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1901

LIBRARY
OF THE
UNIVERSITY OF ILLINOIS

CHARTER

OF THE

CITY OF NEW HAVEN

1901

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CHARTER

OF THE

City of New Haven, Conn.

AND

SPECIAL ACTS

1901

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AN ACT

REVISING THE

CHARTER OF THE CITY OF NEW HAVEN,

PASSED JANUARY SESSION, 1899.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SECTION 1. The territorial limits of the corporation of the city of New Haven shall hereafter be the same as those that were the territorial limits of the town of New Haven prior to December 7, 1897, and the boundaries of the said town shall hereafter be the boundaries of said city.

The jurisdiction of said city of New Haven over that portion of the town of Orange, and that portion of the town of New Haven east of the boundary line between the town and the city of New Haven as it existed prior to December 7, 1897, between the town and city of New Haven, shall be for police and sanitary purposes only.

SEC. 2. All electors of this state, dwelling within said limits, are hereby declared to be, and shall forever continue to be, a body politic and corporate, in fact and name, by the name of the City of New Haven, and by that name they and their successors shall have perpetual succession, and shall be a person in law, capable of suing and being sued, pleading and being impleaded, in all suits of what nature soever, and also of purchasing, holding, and conveying any estate, real and personal; and may have a common seal, and may change and alter the same at pleasure; and shall be and remain absolutely vested with the title to and improvement of all the city lands, tenements, hereditaments, rights, and estates whatsoever, which, since the original incorporation of said city, have become vested in said city, and whereof said city has never been lawfully divested hitherto.

SEC. 3. Said city is hereby divided into fifteen wards, as follows:

So much of said city as is included within a boundary line commencing at the point of intersection of the central lines of State and George streets, and thence continuing northerly through the center of State street to the center of Grove street, thence westerly through the center of Grove street to the center of York street, thence southerly through the center of York street to the center of George street, and thence easterly through the center of George street to the point of beginning, shall constitute the first ward.

So much of said city as is included within a boundary line commencing at the point of intersection of the central lines of Chapel and York streets, and thence continuing westerly through the center of Chapel street to the city limit, thence following the city limit in a southerly direction to the center of Congress avenue,

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thence northeasterly through the center of Congress avenue to the center of Davenport avenue, thence northeasterly through the center of Davenport avenue to the center of York street, and thence northerly through the center of York street to the point of beginning, shall constitute the second ward.

So much of said city as is included within a boundary line commencing at the point of intersection of the central lines of George and York streets, and thence continuing southerly through the center of York street to the center of Davenport avenue, thence southwesterly through the center of Davenport avenue to the center of Congress avenue, thence through the center of Congress avenue to the city limit, thence following the city limit in a southerly direction to the center of Washington street, thence northeasterly through the center of Washington street to the center of Congress avenue, thence northeasterly through the center of Congress avenue to the center of George street, and thence northwesterly through the center of George street to the point of beginning, shall constitute the third ward.

So much of said city as is included within a boundary line commencing at the point of intersection of the central lines of Meadow street and Congress avenue, and thence continuing southwesterly through the center of Congress avenue to the center of Washington street, thence southwesterly through the center of Washington street to the city limit, thence southeasterly and northeasterly by the city limit to a point where said city limit is intersected by the central line of the Meadow street outlet sewer, continued in a straight line, thence northwesterly by the said line of said sewer to the center of Union avenue, and thence northerly through the center of Meadow street to the point of beginning, shall constitute the fourth ward.

So much of said city as is included within a boundary line commencing at the point of intersection of the central lines of Chapel and State streets, and thence continuing southwesterly through the center of State street to the point of intersection of the central lines of State and George streets, thence northwesterly through the center of George street to the point of intersection with the central line of Meadow street, thence southerly through the center of Meadow street to the center of Union avenue, thence southeasterly by the central line of the Meadow street sewer, continued in a straight line to the city limit, thence northeasterly by the city limit to Tomlinson's bridge, thence easterly and northerly through the center of the channel of Mill river to a point on the Chapel street bridge in the central line of Chapel street, and thence westerly through the center of said Chapel street bridge and Chapel street to the point of beginning, shall constitute the fifth ward.

So much of said city as is included within a boundary line commencing at the point of intersection of the central lines of Chapel and State streets, and thence continuing easterly through the center of Chapel street and Chapel street bridge to the center of the westerly channel of Mill river, thence northerly through the center of said channel of said river to a point on Barnesville bridge in a

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central line of Grand avenue, thence westerly through the center of Barnesville bridge and Grand avenue to the center of State street, and thence southwesterly through the center of State street to the point of beginning, shall constitute the sixth ward.

So much of said city as is included within a boundary line commencing at the point of intersection of the central lines of State street and Grand avenue, and thence continuing easterly through the center of Grand avenue and Barnesville bridge to the center of the westerly channel of Mill river, thence northerly through the center of said channel of Mill river to a point on Neck bridge in the central line of State street, and thence westerly and southwesterly through the center of Neck bridge and State street to the point of beginning, shall constitute the seventh ward.

So much of said city as is included within a boundary line commencing at the point of intersection of the central lines of Grove and State streets, and thence continuing northeasterly and easterly through the center of State street to the channel of Mill river, thence northerly, following the center of the channel of Mill river, to the city limit, thence northwesterly by the city limit to the center of Whitney avenue, thence southwesterly through the center of Whitney avenue to the point of intersection of the central lines of Whitney avenue and Temple street, thence southwesterly through the center of Temple street to the center of Grove street, and thence southeasterly through the center of Grove street to the point of beginning, shall constitute the eighth ward.

So much of said city as is included within a boundary line commencing at the point of intersection of the central lines of Grove and Temple streets, and thence continuing northeasterly through the center of Temple street to the point of intersection of the central lines of Temple street and Whitney avenue, thence northeasterly through the center of Whitney avenue to the city limit, thence westerly, southerly, and westerly by the city limit to the center of Crescent street, thence southerly through the center of Crescent street to the center of Goffe street, thence southeasterly through the center of Goffe street to the point of intersection of the central lines of Goffe street and Broadway, thence southeasterly through the center of Broadway to the center of York street, thence northerly through the center of York street to the center of Grove street, and thence easterly through the center of Grove street to the point of beginning, shall constitute the ninth ward.

So much of said city as is included within a boundary line commencing at the point of intersection of the central lines of York street and Broadway, and thence continuing northwesterly through the center of Broadway to the point of intersection of the central lines of Broadway and Goffe street, thence northwesterly through the center of Goffe street to the center of Crescent street, thence northerly through the center of Crescent street to the city limit, thence westerly and southerly by the city limit to the center of Chapel street, thence easterly through the center of Chapel street to the center of York street, and thence northerly through the center of York street to the point of beginning, shall constitute the tenth ward.

So much of said city as is included within a boundary line commencing at a point on Barnesville bridge, coincident with the intersection of the central line of Grand avenue, and the central line of the westerly channel of Mill river, and thence continuing southerly through the center of the westerly channel of Mill river to its junction with the main channel of said river, thence southerly through the center of the main channel of said river to its junction with the Quinnipiac river, thence easterly and northerly through the center of Quinnipiac river to a point in the central line of Grand avenue, and thence westerly through the center of Grand avenue to the point of beginning, shall constitute the eleventh ward.

So much of said city as is included within a boundary line commencing at a point on Barnesville bridge at the intersection of the central line of Grand avenue and the central line of the westerly channel of Mill river, and thence continuing easterly through the center of said bridge and the center of Grand avenue to the former city limits in Quinnipiac river, thence northerly and northwesterly by the former city limit to the center of the channel of Mill river, thence southerly, following the center of said channel to the point where said river is divided into two channels, and thence through the center of west channel to the point of beginning, shall constitute the twelfth ward.

So much of said city as lies northerly and westerly of a line beginning at a point on the dividing line between the towns of New Haven and Hamden, six hundred feet westerly of the center line of Dixwell avenue, and thence running southerly, parallel to and six hundred feet westerly of the center line of that part of Dixwell avenue which is northerly of Argyle street, to a point on said line two hundred feet northerly of the center line of Munson street, thence westerly, parallel to and two hundred feet northerly of the center line of Munson street, to the center line of Crescent street, thence westerly in a straight line to the northerly side of Whalley avenue bridge over West river at the middle of West river, and thence southerly along the middle line of the new channel of said river to the center line of the Derby avenue bridge over said river, shall constitute the thirteenth ward.

So much of said city as lies east of the Quinnipiac river and north of a line commencing at a point near the center of Meadow street, where said street joins the Quinnipiac bridge, thence running easterly through the center of said street to a point where it intersects South Quinnipiac street, thence in a line running due east to the center of the Shore Line railway, thence easterly in a line following the center line of said railway to a point where it intersects the dividing line between the town of East Haven and the city of New Haven, shall constitute the fourteenth ward of said city.

So much of said city within the limits of said town as lies easterly of the Quinnipiac river and south of said easterly and westerly line shall constitute the fifteenth ward of said city.

ELECTIONS.

SEC. 4. Every elector of this state, having qualifications and complying with the requirements prescribed by law entitling him to vote at any city meeting in said city for the election of officers thereof, shall be a freeman of said city.

The court of common council of said city may, by ordinance passed and published as provided in this act, divide each or any ward of the city of New Haven into two or more voting districts; and all the provisions of law now existing, or which may hereafter be enacted, regulating the holding of elections in the other voting districts of said city, shall apply to said new voting districts when so established.

All elections hereafter held within the city and town of New Haven shall be held pursuant to the provisions of the general election laws of the state.

SEC. 5. At the several elections held within the city and town of New Haven for the choice of city officers, those only shall vote who are registered on the corrected list of voters last before completed, including those added on the day of the last state election.

SEC. 6. On the third Tuesday of April, 1902, the freemen of said city shall elect by ballot from among their number, as prescribed by law, six aldermen at large, who shall hold their respective offices for the term of one year from and after the first week day of June next succeeding their election. On the third Tuesday of April, 1903, and on the third Tuesday of April in every second year thereafter, the freemen of said city shall elect by ballot from among their number, as prescribed by law, a mayor, controller, treasurer, clerk, collector, city sheriff, and six aldermen at large, who shall hold their respective offices for the term of two years from and after the first week day of June next succeeding their election. No person shall vote for more than four aldermen at large at any election.—Amended by Act of Legislature, June 14, 1901.

SEC. 7. In each of the wards of said city which bears an odd number, the freemen thereof shall, on the third Tuesday of April, 1902, and on the third Tuesday of April in each second year thereafter, elect by ballot, as prescribed by law, one alderman, who shall hold office for the term of two years from and after the first week day of June next succeeding his election. In each of the wards of said city which bears an even number, the freeman thereof shall, on the third Tuesday of April, 1903, and on the third Tuesday of April in each second year thereafter, elect by ballot, as prescribed by law, one alderman, who shall hold office for the term of two years from and after the first week day of June next succeeding his election. —Amended by Act of Legislature, June 14, 1901.

SEC. 8. In each of the wards of said city the freemen thereof shall, on the third Tuesday of April, 1900, and on the third Tuesday of April in each year thereafter, elect by ballot, as prescribed by law, three councilmen, who shall hold their offices for one year from and after the first week day in June next succeeding their election. [Repealed by Act of Legislature, June 14, 1901.]

SEC. 9. Each of said officers shall be elected by plurality vote;

but, if by reason of an equality of votes, there shall be no choice of any of said officers, then the court of common council shall provide for the holding of a new election within thirty days from and after the time when such failure to elect shall be made known. In case of the death, resignation, removal, or incapacity of any officer of said city chosen by the electors, the court of common council shall order a special election within thirty days to fill the vacancy, and the mayor may temporarily fill such vacancy by appointment.

EXECUTIVE OFFICERS.

Mayor.

Sec. 10. The mayor shall be the chief executive officer of the city, and shall be at least thirty years of age. He shall have been a legal voter and resident of the city for the five years immediately preceding his election, and shall reside in the city during his term of office. Whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city, by illness, or by any other cause, from attending to the duties of his office, the president of the board of aldermen or, if said president shall be absent or disabled, the president of the board of councilmen, shall act as mayor until the mayor is again able to assume the duties of his office or until the vacancy is filled by election, and said acting mayor shall have all the rights, powers and duties of said mayor, except the powers of appointment and removal, until the vacancy is filled or the mayor is again able to act.

Sec. 11. It shall be the duty of the mayor:

1. To cause the laws and ordinances to be executed and enforced, to inform the city attorney of all violations of law brought to his attention, and to conserve the peace within said city. He shall be responsible for the good order and efficient government of said city.

2. To fill by appointment vacancies in office in all cases in which he is given by law the power to appoint.

3. To communicate to the court of common council, during the month of July next succeeding his election, and quarterly, thereafter, a general statement of the condition of the city in relation to its government, finances, public improvements, and affairs, with such recommendations as he may deem proper.

4. To call special meetings of the court of common council when he may deem it expedient.

5. To sign all bonds and deeds and all written contracts of the city made either by the court of common council or any officer of the city in accordance with authority conferred upon them by this charter or the ordinances.

6. To call together, at least once in every month, for consultation and advice upon the affairs of the city, the superintendents of the department of fire service and police, the director of the department of public works, the president of the department of parks, the president of the board of education, the president of the department of charities and correction, the controller, the corporation counsel, the health officer, and such other executive and administra-

tive officers as he may deem best; and at such meetings he may call on any of said officers for such reports as to the matters under their management as he may deem proper.

7. To either approve or disapprove, in writing, every vote, resolution, order, or ordinance passed by the court of common council. If he approve it or fail to take action within ten days after the passage thereof, such vote, resolution, order, or ordinance shall become operative and effectual. In case the mayor shall fail to take action upon any vote, resolution, order, or ordinance passed by the court of common council, within ten days after the passage thereof, the clerk shall endorse the fact upon the vote, resolution, order, or ordinance. If he disapprove it he shall notify the city clerk of that fact, and he shall transmit in writing his reasons for such disapproval to the body in which it originated at or before its next regular meeting, and such vote, resolution, order, or ordinance shall not become operative and effectual unless passed over his veto, by an affirmative vote of two-thirds of all the members of each board of the court of common council, present or absent. The mayor may also approve or disapprove any part of any vote, order, ordinance, or resolution, and the part of the vote, order, ordinance or resolution approved shall become operative and effectual, and the part disapproved shall be void, unless passed over his veto in the manner aforesaid.

Sec. 12. The mayor shall have power:

1. To assume the entire control and direction of the police and fire forces of the city, or either of them, for a period not exceeding five days, at his discretion in case of emergency, and to exercise all of the powers conferred upon the fire and police departments in relation thereto.

2. To exercise, whenever necessary in order to suppress tumults, riots, or unlawful assemblies, within the limits of said city, all the powers given by law to sheriffs in relation to riotous assemblages; and, at all times, when necessary, to require the aid of any sheriff, deputy sheriff, constable, or policeman, or any or all of them together, to assist him in executing the laws within the limits of said city.

3. To make requisition for the several companies of the Connecticut national guard and divisions of naval reserve in said city, or any of them, whenever he shall have reason to believe that great opposition will be made to the exercise of his authority, and to exert all the force necessary to enable him to execute the laws within the limits of said city.

4. To appoint, whenever he may deem it best to do so, three competent, disinterested persons, no more than two of whom shall be of the same political party, to examine without notice the affairs of any department, officer, or employe of said city, and submit the results of said examination to him.

5. The mayor may at any time whenever he may believe any person appointed to office by him or any of his predecessors to be incompetent, or unfaithful to the duties of his office, or that the requirements of the public service demand his removal, summon said officer before him at a place and time specified in said summons, to show cause why he should not be removed from said office.

With said summons he shall leave with said officer a written statement of the charges against him, and if, after a full hearing, he shall find that such officer is incompetent or unfaithful, or that the requirements of the public service demand his removal, he may remove such person from his office. Any such official so removed may appeal from the order of the mayor removing him from said office to the superior court or any judge thereof, which appeal shall be made returnable not more than six nor less than three days from the date of the order of removal of said mayor, and shall be served upon the mayor or at his usual place of abode at least forty-eight hours before the time fixed for a hearing. And said court or judge, having given such further notice as may be deemed necessary to all parties, shall forthwith hear said case, and may approve or revoke the order of said mayor and may award costs at his discretion. But no such official so removed shall exercise any of the powers of his office during the pendency of his appeal to the superior court.

Sec. 13. If any person shall hinder, obstruct, resist, or abuse the mayor in the execution of his office, or when ordered to render assistance to the mayor (being of sufficient age and ability) shall refuse or neglect to do so, such offender, being thereof duly convicted, shall pay a fine not exceeding one hundred dollars, or shall be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court having cognizance of the offense.

Sec. 14. Every commissioned officer and soldier, when called into service by the mayor, as aforesaid, shall have the same pay, and in case of disobedience be subject to the same penalties, as if called into service by the sheriff of the county.

Corporation Counsel.

Sec. 15. There shall be in said city a corporation counsel, who at the time of his appointment shall have been an attorney and counselor-at-law of this state for not less than ten years, and a resident of said city as at present defined for not less than five years, immediately preceding his appointment, and shall reside in said city during his term of office. The corporation counsel holding office when this act takes effect shall be and remain corporation counsel during the term for which he was appointed, unless sooner removed for cause in accordance with the provisions of this act. In the month of June, 1901, the mayor shall and in every second June thereafter the mayor may appoint such corporation counsel, to serve for two years from the first day of July next after his appointment and until his successor is chosen and has duly qualified.

Sec. 16. He shall be the legal adviser of the city and its departments, and it shall be his duty to represent said city in all civil actions in any court wherein said city is interested (except as otherwise provided), and to give his written opinion upon any legal question which may be submitted to him by the mayor, or by the court of common council, or the chairman of any committee of the court of common council upon any subject pending before said

committee, or by any department, or by any public official with the written consent of the mayor. All opinions so given by him shall be recorded in an indexed book, which book shall be kept in the office of the corporation counsel and shall be the property of the city, and such opinions as the mayor may direct shall be published in the year book issued next after such opinions are given. He shall, when so directed by the mayor or court of common council, represent the city in all matters pending before the general assembly affecting the interests of said city, and he shall perform all other legal services which may be required of him by the court of common council or by law or ordinance. He shall annually, on or before the fifteenth day of February, make a written report to the mayor of his doings for the fiscal year next preceding, showing the condition of all unfinished business in his hands, and give, between the fifteenth day of February and the first day of June next succeeding, to the mayor all further additional information that he may desire in regard to the condition of his department.

Sec. 17. The corporation counsel may have an office, to be provided by the city, which shall be kept open during such hours daily as may be by ordinance prescribed. The mayor may, if in his opinion the interests of the city require it, employ additional counsel, except with reference to matters pending before the general assembly.

Sec. 18. During the month of June, 1901, and biennially thereafter, the mayor shall appoint an assistant corporation counsel, to hold office during the term for which said mayor shall have been elected and until the successor of such assistant corporation counsel shall be appointed and duly qualified, who shall perform such services as directed by the corporation counsel, and shall attend to the collection of unpaid taxes, liens, and other indebtedness due the city.—Amended by Act of Legislature, June 10, 1901.

Controller.

Sec. 19. There shall be a city controller, elected as hereinbefore provided, who shall, under the charter and ordinances, be subject to the general direction of the board of finance in all matters relating to the financial affairs of the city, except as herein otherwise expressly provided.

Sec. 20. He shall keep, in books provided for that purpose, accounts with each of the city departments, with such of the city officers as may be designated by the board of finance, and such other accounts as the city ordinances or said board of finance may direct.

Sec. 21. He shall prescribe the form of all accounts and of all reports to be rendered, and shall have the inspection and supervision of the accounts of all other departments and officers, and provide all books, stationery, and office supplies necessary for their use.

Sec. 22. He shall audit immediately after the first day of each month the accounts of the several departments and all of said officers who receive, pay out, or dispose of the money or other property of the city; shall make proper comparisons of the same,

and report his findings to the mayor, and a duplicate thereof to the treasurer; he shall daily audit the cash account of the treasurer for the last previous day, and certify at the foot of said account as to its correctness, and shall submit to the mayor on or before the twentieth day of January, the twentieth day of April, the twentieth day of July, and the twentieth day of October in each year, a report of the condition of each of said accounts, together with a summary of all accounts of the city, verified by his oath or affirmation, exhibiting the revenues, receipts, and expenditures, the source from which the revenues and funds are derived, and in what manner the same have been disbursed, and the amount drawn against each item of the appropriations, and the mayor shall cause said reports to be submitted to both boards of the common council and the board of finance.

SEC. 23. He shall keep a separate account for each specific item of the appropriations, and shall require all warrants to state specifically against which of said items the warrant is drawn. Each account shall be accompanied by a detailed statement, in a separate column, of the unpaid contracts and outstanding orders charged against it.

SEC. 24. He shall not suffer any appropriation to be overdrawn, or the appropriation for one item of expense to be drawn upon for any other purpose, or by any department other than that for which the appropriation was specifically made, except in case of transfers made as hereinafter provided. No warrant shall be issued unless sufficient funds to pay the same shall actually be in the treasury. If he shall certify any bill, contract, or claim in excess of the appropriation properly applicable thereto, the city shall not be liable for such excess, but he shall be personally liable therefor, and his sureties shall also be liable to the amount of his bond.

SEC. 25. Each claim or account against the city shall be first verified by the oath or affirmation of the claimant or his authorized agent, if required by the board of finance, then certified to be correct and justly due by the officer or board by whom, or under whose authority, the same was contracted. Such claim or account shall then be transmitted to the controller, who shall carefully examine and compute each bill rendered, and, on finding it correct, he shall so certify, and then lay it before the board of finance for approval, and no bill shall be paid until approved by a majority of said board of finance in writing. If any claimant is indebted to said city, the controller shall report such indebtedness to said board, together with the claim. When approved by said board, said controller shall number the several claims and enter them in books kept by him for that purpose; and when said claims are so numbered and entered the city clerk shall draw his order on the city treasurer for the several amounts due, and prepare and fill out receipts in accordance therewith, and shall place said orders in the hands of the controller, who shall countersign and disburse the same when duly receipted for; *provided*, that for any sums for which the city becomes legally liable upon its bonds or notes, the city clerk may draw his order upon the treasurer, upon which,

when countersigned by the mayor and controller, said sums shall be paid. When the identity of the claimant is doubtful, said claimant may be required to make oath or affirmation or furnish other evidence that he is the person, or the legal representative of the person, in whose favor the order is drawn. And the city clerk and the controller are hereby severally authorized to administer oaths or affirmations. The provisions of this section shall not apply to the department of education.

Nothing herein contained shall prohibit the controller and city clerk from drawing and delivering an order on the treasurer in payment of an execution issued by the clerk of any court to the person in whose favor any judgment may have been rendered by said court.

Sec. 26. The controller shall give bonds to the amount of twenty thousand dollars to the city of New Haven. He shall have an office in the city hall, and shall keep the same open during such hours as the board of finance may direct.

Sec. 27. The controller shall, at the end of each fiscal year, or oftener, if so required by the mayor, and also upon the death, resignation, removal, or the expiration of the term of any officer, audit or cause to be audited, examine, and settle the accounts of such officer, and if he shall be found indebted to the city, the controller shall state an account and file the same with the corporation counsel, together with a copy of the official bond of such officer, if any, and give notice thereof to him or his legal representatives; and the corporation counsel shall proceed to collect such balance from such officer or his sureties within six months from the receipt of such account. Notice of the audit shall be given by the controller to the officer or his legal representatives before the final statement of the account, and, if desired by such officer or his legal representatives, opportunity shall be given for a hearing. A copy of such notice, with an affidavit to the fact of service thereof, shall be filed, with the statement of account, as evidence of service of notice.

Treasurer.

Sec. 28. There shall be a treasurer who shall be elected as hereinbefore provided, who shall have the same power and authority as town treasurers and shall be accountable to said city. He shall have an office in the city hall, which shall be kept open during such hours as may be by ordinance prescribed. He shall give bonds in the amount of fifty thousand dollars. He shall be allowed such clerical expenses as may be approved by the board of finance, and all appointments of clerks in his office shall be made by said treasurer without reference to the civil service board.

Sec. 29. All city funds shall be deposited in such bank or banks as shall be designated by the board of finance, whose duty it shall be to obtain the highest rate of interest therefor consistent with the safety of the deposits. All interest upon said deposits shall belong to said city.

Sec. 30. The treasurer shall pay all orders drawn on him by

the city clerk and countersigned by the controller, or drawn by the board of education in the order in which they shall be presented to him. The treasurer shall report to the board of finance, on the first of each month, the amount of money belonging to said city in his hands, and the sources from which it was received, and shall present to said board each month his accounts for the month next preceding, properly audited and certified by the controller.

Collector.

Sec. 31. There shall be in said city a collector, elected as hereinbefore provided, who shall also be the collector of taxes for the New Haven city school district. He shall have all the power and be subject to all of the duties imposed by law upon collectors of town, city, and school district taxes. He shall receive and collect all taxes, including poll and military taxes, from persons liable to pay the same, and all assessments of every kind made by said city, and all license fees payable to said city. All licenses issued by any city department or officer shall be presented to the collector, or his authorized agent, in the collector's office, who shall receive the fee prescribed therefor, and shall countersign each license before the same shall be of effect. He shall cause a record of each license so countersigned to be kept in his office. The mayor shall have power to issue a warrant for the collection of any of said taxes or assessments. The collector shall have the same power to sign certificates of tax liens and certificates of their release and discharge which is by law given to the mayors of cities. The salary paid to the collector by the city shall be in lieu of all other compensation for services.

Sec. 32. It shall be the duty of the collector to report to the assistant corporation counsel, on the first Monday in September in each year, all taxes and assessments upon property and all poll and military taxes which have not been abated according to law and which have been due and unpaid for a period of one year; and it shall be the duty of the assistant corporation counsel to proceed forthwith to take all legal steps necessary to enforce the payment of said taxes and assessments. Whenever any tax due to said city is abated, the authority making the abatement shall cause notice thereof to be given forthwith to the collector.

Sec. 33. Said collector shall, before three o'clock in the afternoon of each business day, deposit with the treasurer of said city all moneys collected by him during the twenty-four hours then ended, and shall take the treasurer's receipt for the same in duplicate, one copy of which he shall file in the controller's office forthwith.

Sec. 34. Said collector shall give bonds in the amount of one hundred thousand dollars.

City Clerk.

Sec. 35. There shall be a city clerk elected as hereinbefore provided. He shall be clerk of the board of aldermen and of the board of finance, and shall record their doings. He shall send,

immediately after it takes effect, a copy of any ordinance, resolution, or order of the court of common council to each department or officer affected thereby. He shall perform such clerical services as may be required by the ordinances of the city. He shall publish all city ordinances by advertising in all daily newspapers published in said city such ordinances as soon as the same are enacted, together with notice that such ordinances have been passed, and shall record in full in the records of said city all ordinances so enacted, and record the fact of such publication. He shall make upon the records of said city, entries of his own acts in serving and publishing notices of orders and ordinances passed by the court of common council. Said clerk shall devote his entire time to the service of the city, and shall have no other occupation during his term of office; and he shall keep his office open during such hours as the ordinances of the city shall direct. He shall give bonds in the amount of ten thousand dollars.

Assistant City Clerk.

Sec. 36. The court of common council shall, during the month of June in each year, appoint an assistant city clerk, who, after having taken the oath or affirmation provided by law for the clerk of said city, shall, in the absence or disability of said clerk, have power to perform all the duties of said clerk. All acts of said assistant clerk and all records kept by him shall have the same validity and effect as acts and records of the city clerk. The assistant clerk shall be clerk of and make true and regular entries of all votes and proceedings of the board of councilmen, and of each of the joint standing committees of the court of common council. He shall compile the city year book. He shall give bonds in the amount of five thousand dollars.

Sealer of Weights and Measures.

Sec. 37. The sealer of weights and measures of said city in office when this act takes effect shall continue in office until July 1, 1900, and until his successor is appointed and has duly qualified, unless sooner removed for cause in accordance with the provisions of this act. During the month of June, 1900, and biennially thereafter, the mayor shall appoint a sealer of weights and measures to serve for two years from the first day of July following his appointment. It shall be his duty at least once in each year to compare all scales, weights, and measures with the United States standard weights and measures belonging to the city of New Haven. Said sealer of weights and measures may appoint, with the approval of the mayor, such number of assistants as he may think necessary in the discharge of his duties, and their acts shall have equal authority with his own. He may remove any of said assistants at pleasure. He shall perform all other duties required of him by the ordinances of the city. He shall receive as compensation for his services the salary provided in section 40 of this act and such fees to him and his assistants as the court of common council may by ordinance prescribe.

City Sheriff.

Sec. 38. The city sheriff shall, when duly required, attend upon the city court, when sitting for the transaction of civil business only, shall notify, when so directed by the mayor, the members of the court of common council of any meeting of either body, or any committee thereof, and may serve any civil process returnable to or issued by either of said courts, or any committee of the same, and shall serve all notices issued by any committee or departments. He shall perform all other duties required of him by law and the ordinances of the city.

Mayor's Secretary.

Sec. 39. During the month of June, 1901, and biennially thereafter, the mayor shall appoint a secretary, who shall be under the direction of the mayor. In addition to his duties as secretary to the mayor, he shall perform such other duties as may be by ordinance prescribed.

Salaries.

Sec. 40. The salary of each of the following-named officers shall be at the rate herein provided: The mayor, thirty-five hundred dollars per annum; the mayor's secretary, one thousand dollars per annum; the corporation counsel, thirty-five hundred dollars per annum; the assistant corporation counsel, one thousand dollars per annum; the controller, three thousand dollars per annum; the treasurer, one thousand dollars per annum; the collector, four thousand dollars per annum; the city clerk, two thousand dollars per annum; the assistant city clerk, twelve hundred dollars per annum; the sealer of weights and measures, seven hundred dollars per annum; the city sheriff, twelve hundred dollars per annum. These and all other salaries paid by the city shall be payable in monthly instalments by the treasurer of said city, and shall be in lieu of any and all compensation for any services required by the city of said officers respectively by this act, except as the same may be herein otherwise specified; *provided*, that if the court of common council at any time, by an affirmative vote of two-thirds of all the members of each board, shall resolve that it is expedient to increase or decrease the salary of any city official to a certain specified sum, and if said resolve shall be adopted by the next court of common council in the succeeding year by a like vote, then said court may proceed to enact an ordinance increasing or decreasing said salary to the sum specified.

DEPARTMENTS.

Board of Finance.

Sec. 41. There shall be in said city a department of finance, which shall be under the control of a board consisting of the mayor, who shall be its presiding officer, the controller, an alder-

man who shall be elected by the board of aldermen in the month of June in each year, a councilman who shall be elected by the board of councilmen in the month of June in each year, and three citizens, none of whom shall hold any other office in said city government, and to be appointed as hereafter provided; but said elections and appointments shall be so made that not more than four members of said board shall at any time belong to the same political party.

The necessary expenses of said board shall be paid by the city, but no member of the board shall be paid for his services.

Sec. 42. It shall be the duty of said board to hold a regular weekly meeting on some day to be fixed by said board, and the mayor may call a special meeting at any time, on reasonable personal notice to the members thereof, or on written or printed notice sent to the residence of each member, or mailed to him by the clerk of said board, at least twenty-four hours before the time of holding such meeting. It shall be the duty of said board carefully to examine and consider all claims and accounts against the city submitted for its approval, and to approve by the signatures of a majority of its members such claims or accounts as it finds to be justly due.

Sec. 43. During the month of June, 1900, the mayor shall appoint one citizen member of said board, and in each June thereafter the mayor shall appoint one member of said board of finance for a term of three years, from the first day of July next succeeding; and all the present members of the board of finance appointed by the mayor under and by virtue of the act of 1897, amending the charter of the city of New Haven, shall continue to hold office during the terms for which they were appointed under said act, unless sooner removed for cause in accordance with the provisions of this act.

Sec. 44. In the month of November in each year the board of finance shall make estimates of the moneys necessary to be appropriated for the expenses of said city for the year next ensuing, beginning January first, and of the rate of taxation required to meet the same, and shall classify the said expenses under appropriate heads and departments. In the preparation of said estimates said board of finance shall give notice to each board or department, of a definite time and place where they will meet to consider the needs of such board or department; said board of finance shall recommend such tax upon the polls and ratable estates within the limits of said city as it shall deem necessary to meet such expenses. Said estimates and the rate of taxation recommended shall be submitted to the court of common council during the first week of the month of December next succeeding, and, within five days after said submission, shall be published once in each of the daily newspapers in said city; and after such publication and before the twentieth day of said month of December said court shall proceed to consider and act upon said estimates, and said appropriations and rate of taxation, so reported by the board of finance to said court, shall be final, and the appropriations and rate of taxation shall be the legal appropria-

tions and the legal rate of taxation for said city, unless changed by a two-thirds vote of each board of the court of common council; but said court of common council shall not have power to increase the appropriations, or any item thereof, or the rate of taxation as recommended by the board of finance, nor shall said court of common council reduce any item fixed by said board of finance for the payment of interest or principal of the municipal debt. But the total amount of such annual appropriations for any one year shall not exceed the estimated income for that year, nor shall any city or department officer or board of commissioners of said city make any expenditures except for the objects and purposes specified by said court of common council. Nor shall any city or department officer or board of commissioners of said city incur any liability or expense by contract or otherwise for which said city shall be responsible in excess of the appropriations so made by said board of finance and said court of common council.

The board of finance, upon the recommendation of the court of common council, shall have power to make appropriations for public receptions, parades, concerts and celebrations to an amount not exceeding fifteen hundred dollars for any one of said purposes in any one year. No amount appropriated for any one purpose, whether general or special, shall be used or appropriated for any other purpose except the same be authorized by the board of finance. —Amended by Act of Legislature, April 30, 1901.

Sec. 45. The board of finance may provide at any time for the discounting, at current rates of interest, of all sums assessed for taxes, but not yet payable. Said board shall have power, in the name of the city, to borrow such sums from time to time, as in its opinion may be needed for city purposes, in anticipation of such taxes as shall have been previously laid, and in anticipation of the sale of bonds which may have been ordered by the court of common council in accordance with law, and for no other purpose; and the amount so borrowed shall be repaid from said taxes when collected or from the sale of such bonds. It shall be the duty of said board to make rules regulating the method of payment of all officers and employes of said city and prescribing the forms of the receipts to be required.

Department of Police Service.

Sec. 46. There shall be in said city a department of police service which shall be under the management and control of a board of six commissioners to be appointed as hereinafter provided, and with duties as herein set forth.

Sec. 47. Said department shall preserve the peace, good order, and security of said city, and shall consist of a chief and such officers, policemen, supernumeraries, special constables, police matrons, and employes as the board of police commissioners may from time to time prescribe. All promotions of officers and members of the police force shall be made by the board of police commissioners on grounds of meritorious police service and superior capacity,

and shall be as follows: sergeants of police shall be selected from among patrolmen, and captains from among the sergeants. All appointments, including special constables, and promotions, except the chief, shall be made by said board in accordance with the rules of the civil service board, but no one except special constables shall be permanently appointed until he shall have performed active police service as supernumerary for at least six months. Said board of police commissioners shall have power to designate members of such supernumerary force for such period of active service as it may think proper. The board of police commissioners may establish a detective bureau, which shall be under the charge and direction of a captain of the detective force, who shall be subject to the order of the chief of police.—Amended by Act of Legislature, April 9, 1901.

Sec. 48. The members of the board of police commissioners in office when this act takes effect shall continue in office during the term for which they were appointed, unless sooner removed for cause in accordance with the provisions of this act. During the month of June, 1900, and in each June thereafter, the mayor shall appoint two members of said board for a term of three years from the first day of July next succeeding. No more than three members of said board shall at any one time belong to the same political party.

Sec. 49. The mayor shall be *ex officio* chairman of said board, and may vote, in case of a tie, upon all questions, except upon the election or appointment of any officer or employe elected or appointed by said board. In case of a tie vote in said board for any election or appointment remaining undecided for a period of thirty days, the mayor may then vote upon said election of officer or employe. When a vacancy shall exist in the office of chief, the mayor shall appoint a new chief, who shall only be removable as provided for other appointees of the mayor.—Amended by Act of Legislature, April 9, 1901.

Sec. 50. The board of police commissioners shall fix the pay or compensation of all members of the department, except the chief, whose salary shall be at the rate of twenty-five hundred dollars per year, provided that the pay of the members of the veteran reserve shall be regulated in accordance with the amount of duty performed, and shall not be more than one-half nor less than one-fourth of the rate of compensation previously received by said members while in the regular grade.

The present superintendent of police of the city of New Haven shall be and remain, subject to the provisions of said charter, the chief of police of the city of New Haven.—Amended by Act of Legislature, April 9, 1901.

Sec. 51. In addition to the supernumerary and regular police force, there shall be an honorary grade, known as the veteran reserve, to which said board of police commissioners may, at its discretion, transfer any member of the regular force, who shall, through age, or physical disabilities incurred in the discharge of perilous duty, or in long and faithful service, become permanently

disqualified for the more active duties of the regular grade; and said board of police commissioners may, at its discretion, by the affirmative vote of at least four commissioners, as a reward for conspicuously meritorious service, retire permanently from duty any member of the veteran reserve after twenty-five years of continuous service in the department, upon the certificate of the surgeon of the department or of a board of surgeons to be designated by said board of police commissioners, showing that said member is permanently disabled, physically or mentally, so as to be unfit for any police duty; *provided*, that such board of surgeons shall further certify that in his or their opinion said disability is due to injury received or exposure endured in the performance of duty in said department; and such member so retired shall be entitled to receive from the policemen's relief fund of the department, during his lifetime, unless said vote is annulled by a unanimous vote of said commissioners, an annual sum, payable monthly, not exceeding one-half, nor less than one-third, of his previous compensation per annum. —Amended by Act of Legislature, May 3, 1901.

Sec. 52. The board of police commissioners shall select and provide for all elections held in said city and town, in each ward and voting district of said city and town, a proper and suitable place for holding such elections, and shall, at least ten days before the holding of such elections, furnish the mayor of said city with the list of places designated for such elections; *provided*, *however*, that no saloon or place where intoxicating liquors are usually sold shall be selected for such purpose. Said board shall also, in case of any election to be held in and for said town, at least ten days before the holding of any such election, furnish the selectmen of said town with a list of the places designated for such election. It shall be the duty of the chief of said department to make and enforce uniform rules to preserve the peace, enforce good order, and prevent persons not voting or waiting their turn to vote, or engaged in conducting said election, from congregating within one hundred feet of said voting place.

Nothing herein contained shall give the board of police commissioners nor the city of New Haven any control over elections held in the borough of Fair Haven East or in the Westville school district, nor shall the expense of the elections in said borough or in said school district be paid by the city or town of New Haven. —Amended by Act of Legislature, April 9, 1901.

Inspector of Lamps.

Sec. 53. The department of police shall render such assistance in the care and management of public lamps as the court of common council may direct. The inspector of lamps appointed by the mayor in June, 1897, shall continue to hold the office of inspector of lamps until his successor has been appointed and has duly qualified. After due hearing, and by written order, giving his reasons therefor, the mayor may remove the inspector of lamps and appoint his successor. The inspector of lamps shall perform such

duties in the care and management of lamps, and in the care and management of street signs on the same, as shall be specified by the court of common council and approved by the mayor. He shall receive such salary for his services as may be fixed by the court of common council of said city.

Department of Fire Service.

Sec. 54. There shall be in said city a department of fire service, which shall be under the management and control of a board of five commissioners to be appointed as hereinafter provided and with duties as herein set forth.

Sec. 55. Said department of fire service shall be charged with the duty of protecting the city against danger from fire and unsafe construction of buildings, and shall consist of a chief, a fire marshal, a superintendent of fire alarm telegraph and electrical construction, and such officers and employes as the board of fire commissioners may from time to time prescribe. All appointments and promotions, except the chief, who shall be appointed by the mayor, shall be made by said board in accordance with the rules of the civil service board. The salary of the chief shall be at the rate of twenty-five hundred dollars per annum, and the compensation of the officers and employes of said department shall be determined by the court of common council. Said board of fire commissioners shall have authority to make a contract with corporations and individuals outside of the original twelve wards, and outside of the limits of said city, granting such corporations and individuals fire protection for such compensation as may be deemed just and proper, subject to the approval of the court of common council.—Amended by Act of Legislature, April 9, 1901.

Sec. 56. The members of the board of fire commissioners in office when this act takes effect shall continue in office until the terms for which they were appointed shall expire by limitation, unless sooner removed for cause in accordance with the provisions of this act. During the month of June in each year the mayor shall appoint for a term of three years from the first day of July next succeeding such number of commissioners as may be necessary to fill vacancies arising by reason of the expiration of terms. Not more than three members of said board shall at any one time belong to one political party. Whenever a vacancy shall hereafter exist in the office of chief the mayor shall appoint a new chief, who shall only be removable as provided for other appointees of the mayor.

The present superintendent of the fire department of the city of New Haven shall be and remain, subject to the provisions of said charter, the chief of the fire department of the city of New Haven. —Amended by Act of Legislature, April 9, 1901.

Sec. 57. It shall be the duty of the fire marshal to inspect from time to time the schoolhouses and other public buildings, and all buildings in which any public assemblies, exhibitions, entertainments, or shows are held, for the purpose of ascertaining whether

such buildings are in danger of damage or destruction from fire or unsafe construction, and whether the ordinances concerning means of exit from such buildings are obeyed. It shall also be his duty, whenever he may deem it necessary, to inspect any building in the city, with a view to ascertaining whether the ordinances relating to the construction, use, and condition of buildings are obeyed, and he shall perform all other duties in regard to the inspection of buildings, or issuing permits for the construction thereof, which may be required of him by the ordinances of the city. It shall be his duty to report all unsafe buildings and all violations of such ordinances to the mayor. The court of common council may make such orders as it may deem necessary for the alteration and improvement of such buildings; *provided*, that the court of common council may provide for an inspector of buildings, who, after said office is authorized, and the salary has been fixed by the court of common council, shall be appointed by the mayor, who, before making such appointment, shall cause to be filed with the city clerk for record a certificate of ability issued and signed by at least two of three competent New Haven architects designated by the mayor, which certificate shall be issued after such examination of the candidate for appointment as they consider necessary to determine his competency for the duties of said office.

Sec. 58. It shall be the duty of the superintendent of fire alarm telegraph and electrical construction to have charge of the fire alarm telegraph system in said city, and also to inspect electrical plants, and the use and construction of wires on which electricity is conducted within said city, and secure the enforcement of all ordinances and regulations passed by the court of common council in regard to such plants and wires, and shall perform such other duties as may be by ordinance prescribed.

General Provisions concerning the Police and Fire Departments.

Sec. 59. The board of commissioners of each of the police and fire departments shall have control thereof and of all the property of said city used for and by said departments, shall purchase all supplies, and shall provide for the heating, lighting, and repairs of the buildings used by such departments, and shall have power to prescribe and define the duties of the members of such departments, and to make all rules necessary for the proper government thereof and the appointment of officers and employes.

Sec. 60. The chief of each of the police and fire departments shall be the chief executive officer of his department, and shall be chargeable for its efficiency and responsible for the execution of all laws and the rules and regulations of the department.

He shall assign to duty all the members of his department, making such changes from time to time as in his judgment the efficiency of the department may require.

He shall have the power to suspend, without pay, any member of the regular force; *provided, however*, that no such suspension

shall be continued for a period of more than ten days without affirmative action by the commissioners of his department, which action shall not be taken until after a hearing upon charges preferred in writing; a copy of such charges shall be left with said officers at least forty-eight hours prior to the time fixed for such hearing. He shall have power to grant leaves of absence to members of the force for a period not exceeding five days, reporting to his board of commissioners all changes or assignments of office and absences granted.—Amended by Act of Legislature April 9, 1901.

Sec. 61. When this act takes effect the chief of each of said departments shall continue to be the chief of his department, with the powers and duties herein specified, and all officers and employes of said departments shall continue to hold their respective positions subject to the provisions hereof.—Amended by Act of Legislature April 9, 1901.

Sec. 62. All lawful city ordinances relating to either of said departments and to any officer thereof, and all of the regulations of either of said departments in force at the time fixed for the taking effect of this act, and not inconsistent herewith, are hereby continued in effect until the same shall be duly amended by competent authority.

Sec. 63. No commissioner on said police board excepting licensed druggists shall, either as principal, agent, or employe, be engaged in or directly or indirectly interested in the manufacture or sale of intoxicating liquors or bottled drinks at wholesale. No one of said commissioners, nor any member of the court of common council, shall be or become bondsman for any person by reason of any obligation entered into by such person with said city or any department or officer thereof, nor shall any commissioner or member of the court of common council be or become surety upon any license bond given by an applicant for a license to sell intoxicating liquors, nor shall any one of them sign any application for such license.

Sec. 64. Each of said boards of commissioners shall have sole power of appointment and promotion of all officers and employes of their respective departments, under such rules and regulations as they may adopt for the purpose, except where otherwise provided. Four members of the board of police commissioners and three members of the board of fire commissioners shall constitute a quorum for the transaction of business. No appointments or promotions in the police department shall be made except by the affirmative vote of not less than four commissioners, except where otherwise provided.

Sec. 65. Each of said boards of commissioners shall have power, for cause, after a hearing on charges made in writing, to remove, reduce in rank, or suspend without pay any officer or employe in its department that it has power to appoint. No removal, reduction in rank, or suspension shall be made for political reasons. Charges against any officer or employe shall be preferred by the chief, served upon the person accused at least forty-eight hours before the time fixed for a hearing, and presented to the

board of commissioners of the department to which such officer or employe may belong.—Amended by Act of Legislature, April 9, 1901.

Policemen's and Firemen's Pension Funds.

Sec. 66. There shall hereafter be a fund for the policemen and a fund for the firemen of said city, known as the Policemen's Relief Fund and the Firemen's Relief Fund, to which shall belong:

1. All moneys and securities included in the funds now existing in each department.

2. All bequests and donations, from public or private sources, to either department on account of services rendered, or for the purposes for which the fund is established.

3. Five per centum of all fees collected on account of licenses issued to sell spirituous or intoxicating liquors within the city of New Haven until the Policemen's Relief Fund amounts to the sum of fifty thousand dollars, and the Firemen's Relief Fund amounts to the sum of fifty thousand dollars. When the funds of these departments equal the sums above named, no more fees from licenses to sell spirituous or intoxicating liquors within the city of New Haven shall be paid into said funds, but shall be paid into the city treasury to be used for ordinary expenses, except the funds at any time shall fall below the sum of fifty thousand dollars in the Policemen's Relief Fund, and fifty thousand dollars in the Firemen's Relief Fund, then the fees, to the amount of five per centum, collected on account of licenses to sell spirituous or intoxicating liquors within the city of New Haven, shall be paid into said fund until the amounts above named are reached, and the fee shall then cease to be paid, and revert to the city treasury.

4. All moneys or property presented to any member of either department on account of special services, except such as may, by special vote of the board of commissioners of such department, and with the approval of the mayor, be retained by such member.

5. Assessments on the salaries of members of the police department at the rate of two per centum per annum, payable monthly or quarterly as the trustees of such fund may determine.

6. Such monthly assessments on the salaries of members of the fire department, not exceeding two per centum per annum, as the trustees of such fund may determine.—Amended by Act of Legislature, May 3, 1901.

Sec. 67. Said funds shall be respectively known as the "Policemen's Relief Fund" and "The Firemen's Relief Fund," and the former shall also include all lost, abandoned, unclaimed, or stolen moneys in charge of the police department, and all moneys arising from the sale of lost, abandoned, unclaimed or stolen property in charge of said department, now made available for the purpose by the statute laws of the state.

Sec. 68. The boards of commissioners of such departments shall respectively be boards of trustees of said funds, and may invest and reinvest the same as the laws relating to trust funds

may permit. The mayor shall be president of each of said boards, the city treasurer shall be its treasurer, and the clerk of the department its clerk. All orders on said funds shall be signed by the clerk and countersigned by the president.

SEC. 69. The board of police commissioners, with the affirmative vote of four commissioners and with the mayor's approval, and the board of fire commissioners, with the affirmative vote of three commissioners and with the mayor's approval, may permanently retire any member of the department who, while in the actual performance of duty and by reason of the performance of such duty, and without fault and misconduct on his part, shall have become permanently disabled, physically or mentally, so as to be entirely unfitted to perform such duties; and either of such boards may cause to be paid from the fund of said department to said member during his lifetime and in monthly instalments, unless said vote is annulled by four of said police commissioners or three of said fire commissioners, as the case may be, a sum not greater than one-half nor less than one-fourth of his previous compensation; *provided, however*, that in the cases mentioned in this section, such medical examiners as said board may appoint shall certify in writing that such disability exists, and in their opinion from such cause.

SEC. 70. The board of police commissioners, with the affirmative vote of four commissioners, and with the mayor's approval, and the board of fire commissioners, with the affirmative vote of three commissioners and the mayor's approval, may cause a sum not exceeding two thousand dollars to be paid from the fund of such department to the widow of, or other person or persons dependent upon, any member of such department who shall have been killed while in the actual performance of duty, or shall have died from the effects of any injury received while in the actual discharge of such duty, and may apportion such sum between such persons as it may deem best.

SEC. 71. All members on the retired lists in either department shall be subject to the orders of the board of commissioners of such department, which may at any time require any member to be re-examined, and in case he shall be reported capable of performing duty, may, by the affirmative vote of four of said police commissioners and with the mayor's approval, or of three of said fire commissioners, as the case may be, and with the mayor's approval, restore him to service in said department.

SEC. 72. The clerk in each department shall record all of the doings of the board of trustees, and all of the doings of the board of commissioners in relation to the fund of his department, and shall record the vote of each member on each question connected therewith. An itemized report of the condition of each fund and of all receipts and disbursements shall be submitted to the mayor on or before the fifteenth day of February, 1900, and annually thereafter, for the preceding fiscal year.

Department of Public Works.

Sec. 73. There shall be in said city a department of public works, which shall be under the charge of one director, appointed by the mayor, who shall be known as the director of public works. His salary shall be at the rate of twenty-five hundred dollars per annum, and, before taking office, he shall file with the city clerk bonds in the amount of ten thousand dollars. The person in office as director of public works when this act takes effect shall hold office until his successor has been appointed and duly qualified. During the mouth of June, 1901, and biennially thereafter, the mayor shall appoint a director of public works to hold office during the term for which said mayor shall have been elected and until the successor of such director shall be appointed and duly qualified. —Amended by Act of Legislature, June 10, 1901.

Sec. 74. Except as otherwise provided in this act, the director of public works shall be responsible for the care and management of all streets, avenues, highways, alleys, bridges, public grounds, and parks of said city, and the opening, grading, improving, repairing, and cleaning of the same; of the construction, protection, repair, furnishing, cleaning, heating, lighting, and general care of all public buildings, except such as are by the express terms of this act under the control of some other officer or department; of making and preserving all surveys, maps, plans, drawings, and estimates relating to all works under the charge of said department; of the construction, repair, cleaning, and general care of all sewers, drains, culverts, sluiceways, and catch-basins. He shall cause all orders of the court of common council concerning any of said subjects to be executed. The director shall make all suitable rules and regulations in regard to said department and the conduct of its business.

The director of public works shall have the same power and duties in regard to fence viewing as were formerly vested in the board of selectmen of the town of New Haven.

Sec. 75. During the month of June, 1901, and biennially thereafter, the mayor shall appoint all heads of bureaus provided for in paragraphs one and two of section seventy-six of the charter of said city to hold office during the term for which said mayor shall have been elected and until their successors be appointed and duly qualified. After due hearing, by written order, giving his reasons therefor, he may remove or suspend any officer of such department whom he has power to appoint; *provided*, that such written order shall be recorded in the records of the department.—Amended by Act of Legislature, June 10, 1901.

Sec. 76. There shall be the following bureaus in said department, the heads of which shall appoint and may remove their own subordinates, except as herein otherwise provided, subject to the approval of the director.

1. A bureau of streets, the head of which shall be called the superintendent of streets, who shall, under said director, have charge of the opening of all new streets, and the improvement, repair, and cleaning of all streets, avenues, highways, alleys, side-

walks, parks, and public grounds under the charge of said department. The salary of said superintendent shall not exceed eighteen hundred dollars per annum.

2. A bureau of sewers, the head of which shall be called the superintendent of sewers, who, under said director, shall be charged with the repair, cleaning, and general supervision of all sewers, drains, sluice-ways, culverts, and catch-basins, and with such other duties as may be designated by the director. The salary of said superintendent shall not exceed eighteen hundred dollars per annum.

3. A bureau of engineering, which shall be under the care of an experienced civil engineer, who shall be known as the city engineer, and shall make all surveys, maps, plans, drawings, specifications, and estimates relating to the work of said department; shall superintend the construction and repair of sewers, bridges, and new pavements, and do any other engineering work which said department may require; and shall care for and preserve all maps, papers, and books of said department, and perform such other duties as may be by ordinance prescribed. The salary of said engineer shall not exceed twenty-five hundred dollars per annum.

4. A bureau of compensation, at the head of which shall be a board, consisting of three commissioners, to be appointed by the mayor, not more than two of whom shall belong to the same political party, which board shall elect one of its members to be president. The members of said board shall receive for their services such salaries as the board of finance may determine, not exceeding the sum of three hundred dollars each per year. The members of the bureau of compensation holding office when this act takes effect shall continue to hold office until the expiration of the terms for which they were appointed, unless removed in accordance with the provisions of this act; and in the month of June, 1900, and in each June thereafter, the mayor shall appoint one member of said bureau for a term of three years from the first day of July next succeeding.

Sec. 77. The director of public works shall appoint such clerical assistance as may be necessary for said department, with salary to be fixed by the board of finance. It shall be the duty of said clerk or clerks to perform the clerical work of said board, and act as clerk of the department of compensation, and also to examine all transfers of real estate within the boundaries of said city which are matters of public record, and to make and preserve, for the use of the department or board, and for the use of all officers of said city, such abstracts of titles to real estate as may facilitate the work of such department or board, or the work of any other department or officer of said city, and perform such other duties as may be by ordinance prescribed.

Sec. 78. Before the court of common council shall decide to take any land, or to lay out any square, park, street, highway, bridge, or walk, or to establish any building line or discontinue any highway, it shall refer all pending measures relating thereto to the department of public works.

Said department shall, after notice to all owners and mortgagees

of land proposed to be taken or affected by such measures, and after public hearing thereon, cause a survey of such land or a layout of such public work to be prepared, and an assessment of benefits and damages to be made.

SEC. 79. All of such notices shall be signed by a clerk of the department, and a notice shall be delivered or mailed to each person, interested as aforesaid in such land, who resides in the city, or to the agent in charge of such land, or be left at the usual place of abode of such person or agent, at least six days prior to such hearing. In case any person so interested shall not at the time reside in the city, or shall be under any legal disability, or in case the owner of any such property is unknown, such notice shall be given as a judge of the superior court or of the court of common pleas may order.

SEC. 80. The bureau of compensation shall advertise in two or more daily papers three times the time fixed for a hearing on all matters coming before them, and the subject matter of said hearing; and after said hearing shall estimate the total probable expense of taking such land, or of making such public improvement, or discontinuing such highway, or establishing such building lines, and shall assess benefits and damages for or against all persons interested in the matter, and shall estimate how much of said amount shall be paid by each person whose property is especially benefited by the proposed action, and how much shall be paid to each person whose property is damaged thereby. All assessments shall be for the excess of benefits over damages, if any, or *vice versa*, as the case may be. Said bureau shall make a report of its doings to the department of public works, and in case the damages shall exceed the assessment over benefits, shall state whether there has been any appropriation made in accordance with law to pay for the same, and said department shall report its doings to the court of common council in writing, and shall annex thereto a survey showing the particular designation of the land to be taken or the layout of the proposed public improvement.

SEC. 81. Said court of common council may, after all necessary appropriations have been made, accept said report, and adopt such layout, or assessment, or may modify the same as it may deem best, and when such report or modification shall have been accepted and recorded in the records of the court of common council, and when the damages shall have been paid to the person whose property has been taken or damaged for such public purpose, or shall have been deposited with the city treasurer to be paid to such person when he shall apply for the same, then each of said assessments shall be legally deemed to have been made, and if the matter relate to the taking of land, the land described in the order of said court of common council shall be and remain taken and devoted to the public use for which it shall have been so designated. Such assessment shall be published three times in each of two or more daily newspapers published in said city, within one week after compliance with the foregoing provision in regard to the payment of damages, and after the report of the director of public works that the improve-

ments have been completed. All assessments of benefits shall be payable immediately after the last day of publication of such assessments. The city clerk, shall, with any such assessment, also publish the descriptive part of the order of the court of common council on which such assessment is based, and the date when the same is payable.

If any person shall refuse to receive the amount found due to him, or in case no one shall be found having authority to receive the sum found due to any particular person, such amount shall be deposited in the treasury of said city, to be paid to the person entitled to receive the same whenever he shall apply therefor. No assessment for benefits shall be collectible nor bear interest until the work for such assessment was laid shall have been completed. Every such assessment shall bear interest at the rate of six per centum per annum from and after the date of such completion until a certificate of lein therefor shall have been filed.

Sec. 82. The court of common council may order the owner or owners of any land fronting on any highway or street in said city to construct or repair sidewalks, curbs, or gutters within the highway adjacent to said land, in the manner and within the time specified in such order, at such grade as said city may have constructed in said highway. Notice of such order shall be given by the director of public works to each property owner affected by said order, in the manner prescribed for serving notices of hearing of said department. If any such owner shall neglect or refuse to comply with such order, or to remove snow, ice, or sleet from the sidewalk adjacent to his land in the manner required by ordinance, it shall be the duty of the superintendent of streets, at the expense of the city, to perform the things required by such order or ordinance, and the expense so incurred shall, from the time when such superintendent begins to act and make expense in the premises, be and continue a lien and real incumbrance in favor of said city upon such land. Such amount may also be recovered in an action in the name of said city.

Sec. 83. All assessments of benefits made under this act shall be and remain a lien upon the property especially benefited by the public work or improvement in view of which such assessments were made, but the whole amount of assessments for benefits, by reason of any such work or improvement, shall in no case exceed the cost thereof, including the damages payable; and such liens, and liens for the expenses of the laying of any sidewalk, curb, or gutter by said city, or for the cleaning of any sidewalk, or for the sprinkling of any street, shall take precedence and priority of all other liens or incumbrances on the property whereon the same is imposed (except taxes and other city liens prior in date), and may be foreclosed in the same manner as though said liens were mortgages on such property in favor of said city to secure the amount of such assessment or expense; *provided*, that no such lien shall continue to exist longer than sixty days after such assessment shall have become payable, or, as the case may be, after such expense shall have been incurred, unless within that period a certificate of lien, in the

manner and form elsewhere provided, shall be lodged with the town clerk of the town of New Haven, to be by him recorded in a book kept for that purpose.

Sec. 84. In case any land in front of which any sidewalk, curb, or gutter is ordered, or against which an assessment of benefits for any public work is to be made, shall be holden by two or more persons jointly, or two or more persons shall have different estates therein, the board of compensation may apportion between such persons the amount of such assessment or the expense of carrying out such order. Said board shall report its doings to the court of common council, and the action of said court of common council thereon shall determine the amount to be paid by the said persons respectively.

Sec. 85. Any party who shall be aggrieved by any order of the court of common council, making any such assessment of benefits or damages, or requiring the construction of any sidewalk, curb, or gutter, or the payment of any part of the expense thereof, may make written application for relief to the superior court, to be held in and for New Haven county; *provided, however*, that he shall cause a copy of said application to be served upon the city clerk within thirty days after the doing of the act complained of. Said court may, by a committee or otherwise, inquire into the allegations of such application, and may confirm, annul, or modify the assessment or other action therein complained of, or make such order in the premises as equity may require, and may allow costs to either or neither party at its discretion; and said court may inquire into the validity of all the proceedings upon which said assessments or other action is based. No land taken as aforesaid shall be occupied by the city until the time for taking appeals shall have expired, and until all appeals have been finally disposed of. All such appeals shall be privileged cases in the superior court, and it shall be the duty of the corporation counsel to cause such appeals to be heard as speedily as possible.

Department of Parks.

Sec. 86. There shall be in said city a department of parks, which shall be under the charge of a board of park commissioners, consisting of the mayor, who shall be its chairman, *ex-officio*, with power to vote in case of a tie, and eight commissioners, who shall serve without pay and be chosen as follows: The three permanent or citizen commissioners of the East Rock park commission shall be commissioners of said board; the five other commissioners shall be appointed by the mayor, as hereinafter provided.

Sec. 87. The three citizen commissioners of East Rock park aforesaid shall hold their respective positions, and their successors shall be appointed, pursuant to the provisions of the act incorporating East Rock park in the city of New Haven, passed at the January session, 1880, and amendments thereto.

The citizens appointed as park commissioners by the mayor, under the act of 1897, shall continue to hold office during the terms

for which they were appointed unless sooner removed for cause in accordance with the provisions of the charter of the city of New Haven; and in the month of December, 1899, and in each December thereafter, the mayor shall appoint one citizen as a park commissioner, to hold office for three years from the first day of January next following. In the month of May, 1902, and in every second May thereafter, the mayor shall appoint two aldermen to be park commissioners during their term of office. No park commissioner shall be removed except by a vote of the board, but the mayor may fill any vacancy that may occur, except among the commissioners of East Rock park, by appointment of the same character for the unexpired term.—Amended by Act of Legislature, June 14, 1901.

Sec. 88. Said board shall have general and exclusive charge, control, and management of East Rock park, and of all other public parks, squares, grounds, and open places acquired or dedicated to public use since May twenty-fourth, 1889, and which may hereafter be acquired or dedicated to public use, as parts of or additions to the public park system of the city or town of New Haven, whether within or without the limits of said city, but not including streets in parks within the city limits. It shall have sole charge of the preservation, development, and adornment of said parks, and is hereby empowered to make and alter, from time to time, all needful rules and regulations for the maintenance of order, safety, and decency in said parks, the prevention of any depredation therein or misuse of the same, and the protection and preservation of said parks both within and without the limits of the city, and to affix penalties for disobedience thereto, which rules and regulations shall have the force of ordinances of the city of New Haven; *provided*, that no such rule or regulation shall be of any effect unless it shall have been first approved by the court of common council and then published at full length in one or more of the daily newspapers published in New Haven, and also printed and posted in conspicuous places within the limits of the parks or places to which such regulation is intended to apply. For the purpose of enforcing such rules and regulations, all such parks and places, whether within or without the limits of said city, are hereby placed under the police jurisdiction of the city of New Haven, and complaints for violation of such regulations may be made by the city attorney to the city court of said city; but nothing contained in this section shall be construed to affect the general police or governmental jurisdiction of any town within whose limits any portion of such public park or place may be situated. Any member of the police department or the superintendent of any park may arrest without warrant, in any of such parks or places, whether within or without the limits of the city of New Haven, any person who has broken any park rule, or committed any other offense in said parks; and the city court of New Haven shall have jurisdiction of all misdemeanors committed within the limits of said parks.

Sec. 89. All real and personal estate of the city used for park purposes, within the limits of any other town, shall be exempt from taxation or assessment for benefits and damages.

Sec. 90. Said board, with the approval of the court of common council, shall have power, in the name and on behalf of the city of New Haven, to procure by gift, purchase, lease, exchange, or other contract, or by condemnation as herein elsewhere provided, real property, whether within or without the limits of the city of New Haven, for the purpose of providing public parks or the enlarging of existing parks; *provided, however*, that in no case shall any expenditure be made in excess of the amount previously appropriated for such purpose.

Sec. 91. Said board may employ a secretary, who may be one of its own members, at a salary not exceeding five hundred dollars per annum. It shall have power to appoint or employ such superintendents, engineers, and other officers and employes as it may deem necessary, and shall prescribe and define their respective powers, duties, and authority, and shall fix and regulate the compensation to be paid to the several persons so employed. It may call on the department of public works for such services from the city engineer as it may deem necessary.

Sec. 92. The board of finance shall annually appropriate a sum of money, not exceeding six thousand dollars, for the care and maintenance of East Rock park, and an additional sum of money, not exceeding twelve thousand dollars, for the care of all other parks under the charge of said board.

Department of Public Health.

Sec. 93. There shall be a department of public health in said city, under the care and control of a board of health, consisting of five members, two of whom shall be physicians. Said board shall choose a president, who shall be at the head of said department. All members of said board shall be residents of said city and shall serve without compensation. The members of the board of health holding office at the time when this act takes effect shall continue to hold office until the terms for which they have been appointed expire unless they be sooner removed in accordance with the provisions of this act. In the month of June, 1900, and in every June thereafter, the mayor shall appoint one member of said board to hold office for a term of five years from the first day of July next following his appointment.

Sec. 94. Said board shall have and exercise throughout the city and town of New Haven and over the navigable waters adjacent thereto all the jurisdiction, power, privileges, and duties now by law vested in and imposed upon the town health officers in this state in their respective towns. Said board shall have the power to inspect food stuffs offered for sale within the limits of the city and town and regulate the sale of the same so far as the sanitary interest of the community is involved. It shall regulate the sale of milk by licensing for a reasonable fee the vendors of the same, and may destroy such breadstuffs, including milk and other property, when it is detrimental to the public health. Said board shall abate nuisances at the expense of the owner whenever their orders are

neglected beyond a reasonable time, and said board shall for such acts have power to place a lien on the property involved, for the expense incurred in carrying out such abatement, which liens shall take precedence over all other encumbrances except taxes and liens of prior date. Said board may, from time to time, make such by-laws, rules, regulations, and orders as in its judgment the preservation of the public health shall require, to be enforced in the same manner as city ordinances, which by-laws, rules, regulations, and orders shall be of full force and effect throughout the entire fifteen wards of said city; *provided*, the same be not inconsistent with the constitution or laws of this state or of the United States or with the charter or ordinances of said city; *and provided*, that said board shall in no case impose a penalty of more than one hundred dollars for a single violation of any by-law, and that no suit or process shall be brought for such violation unless said by-laws have been published at least four times in some daily newspaper printed in said city, before such violation occurred. There shall be no appeal from any action of said board to the county health officer, nor shall he have power to veto or annul any orders of said board.—Amended by Act of Legislature, May 29, 1901.

Sec. 95. Said board shall employ at the expense of said city a health officer, with such powers and duties as said board may prescribe; and may also appoint such number of assistant health officers or inspectors, clerks, and plumbing inspectors, with such duties and powers as said board may prescribe, and may fix their compensation subject to the approval of the board of finance.

Sec. 96. It is hereby made the duty of the department of police to render, upon the request of said board, certified by the clerk and approved by the mayor, such assistance in the enforcement of its by-laws, rules, regulations, and orders as said request may specify.

Sec. 97. In case of the sudden spread of contagious diseases, said board may, with the advice and consent of the mayor, make all expenditures which it may deem necessary, until the board of finance shall have taken action in the premises.

Department of the Public Library.

Sec. 98. The city may maintain a public library and reading room, with such kindred and incident conveniences as it may deem proper, the use of which under proper regulations shall be free to its inhabitants.

Sec. 99. There shall be in said city a department of the public library, which shall be under the management and control of a board of library directors. Said board of directors shall have charge of all the property of said city used for the purposes of said library, and shall direct the expenditures of all money placed at its disposal by the city, from whatever source derived. Said board shall consist of nine directors, who shall be residents of said city and serve without pay. The members of said board of directors holding office when this act takes effect shall continue to hold their respective offices until the term for which they were appointed

shall expire, unless sooner removed for cause in accordance with the provisions of the charter of said city. In January, 1900, and in every third year thereafter, the mayor shall appoint one director who shall hold office for three years from the date of his appointment; and in January, 1901, and every third year thereafter, and in January, 1902, and every third year thereafter, the mayor shall appoint three directors to hold office for three years from the date of their appointment. In January, 1902, and annually in said month thereafter, the mayor shall also appoint two directors of said library to hold office for the remainder of said year, who shall be members of the board of aldermen.—Amended by Act of Legislature, June 14, 1901.

Sec. 100. Said board of directors shall make and enforce such rules and regulations as it may deem proper, for the management, protection, and preservation of the property of said library. They shall have power, with the consent of the court of common council, to make a contract or contracts on behalf of and in the name of said city with the New Haven Young Men's Institute, and with any trustee or trustees now or hereafter holding property for the benefit of said institute, or any part thereof, for the use and occupation of any property of said institute and of any property so held in trust for any of the purposes aforesaid.

Sec. 101. Said board shall appoint and remove such officers and employes as it may deem necessary for the proper management of said library and reading-room, and shall fix the duties and compensations of such officers and employes.

Sec. 102. The board of finance of the city of New Haven shall annually appropriate a sum of money, not exceeding twenty thousand dollars, for the purpose aforesaid, and may from time to time appropriate, in addition thereto, sums of money for building purposes, repairs, or improvements in real estate, not exceeding twenty-five thousand dollars in any five years. All moneys which have been or shall be appropriated, and all moneys received from any other source for such purposes, shall be kept by the treasurer of said city, as a separate fund to be paid out only on the order of the board of directors herein provided for. All such orders shall be signed by the mayor or the president of the board of directors, and countersigned by the treasurer of the library. All bills and vouchers for expenses incurred shall be kept on file in said library, subject to inspection by the city controller, the corporation counsel, and any member of the board of directors of said library. The board of directors of said library shall in no year expend any money in excess of the money appropriated for the use of said library.

Sec. 103. Said board of directors may make rules, extending, upon such terms and under such conditions as to the board may seem best, all the privileges of said library to any or all of the following classes of persons, viz.: First, to non-residents attending school or college within the limits of said city of New Haven, second, to non-residents doing business in said city of New Haven who pay taxes therein; third, persons who are residents of the borough of West Haven, provided said borough shall make an ap-

propriation for the benefit of said library which shall be satisfactory to the board of directors; fourth, to all non-residents on the payment of such sums as may be fixed by the board of directors.

Department of Education.

Sec. 104. There shall be in said city a department of education, which shall have the care and management of all the affairs of the New Haven city school district. After this act takes effect no meeting of the New Haven city school district shall be held for any purpose whatever.

Sec. 105. Said department shall be under the control of a board of education of seven members who shall serve without compensation. The members of the board of education in office at the time this act takes effect shall hold their respective offices during the terms for which they were appointed unless sooner removed for cause according to the provisions of this act. On or before the first day of September, 1899, the mayor shall appoint two members of said board to serve four years from the third Monday in September next following; on or before the first day of September, 1900, the mayor shall appoint two members of said board to serve four years from the third Monday of September next following; on or before the first day of September, 1901, he shall appoint two members of said board to serve for four years from the third Monday of September next following; and on or before the first day of September, 1902, said mayor shall appoint one member of said board to serve for a period of four years from the third Monday of September next following. And on or before the first day of September in every year thereafter the mayor shall fill the vacancies about to occur in said board by appointing one or two members, as the case may be, to serve for four years from the third Monday in September following their appointment. Not more than four members of the same political party shall at any one time be members of said board. The mayor shall fill all vacancies caused by death, resignation, or otherwise, by appointment, for the unexpired term. If the mayor shall refuse, fail, or neglect for thirty days to make an appointment to fill any vacancy that may occur in said board, either by death, resignation, removal, or otherwise, then the remaining members of said board may elect a suitable person to fill such vacancy.

Sec. 106. The board of education shall appoint a superintendent of schools, and shall decide the number of principals, assistants, and teachers to be employed. It may appoint or employ a secretary, an inspector of buildings, and such other officers and employes as may be necessary for the proper conduct of its business. It shall fix their terms of office and their salaries and prescribe their duties in each case, except as hereinafter provided. The officers and employes of the New Haven city school district, at the time of taking effect of this act, shall retain their respective offices until their successors shall be chosen, and the rules and regulations of the board of education then in existence, not inconsistent with this act, shall

remain in full force until repealed. Said board shall have the entire charge and direction of all the public schools of said district, and of the expenditure of all moneys appropriated for the support of the same, and shall have charge of the construction, management, and repair of all school buildings, and shall possess all other powers and be subject to all of the general duties of boards of education, school committees, and school visitors in this state, so far as the same are consistent with the terms of this act. It shall annually choose a president from among its own members, make its own by-laws, keep a journal of its proceedings, define the duties of its officers and committees, and prescribe such rules and regulations for discipline in said public schools as are not inconsistent with the laws of the state.

Sec. 107. The superintendent of schools, if he has not held the office before, shall be appointed for one year, and if continued in office thereafter may be appointed for a term of five years, and his salary shall not be reduced before the expiration of said term of five years. He shall not be removed during said term except by the vote of five members of the board of education. He shall appoint from those eligible under the rules of the board all principals, assistants, and teachers necessary to fill positions authorized by the board. He shall assign all principals, assistants, and teachers to their respective positions and re-assign them or dismiss them from office at his discretion. He shall report at each meeting of the board all appointments, re-assignments, and dismissals made by him since the previous meeting. Any appointment by the superintendent may be rejected by a vote of five members of the board. Any dismissal by the superintendent shall be final unless reversed by a vote of five members of the board at the meeting when such dismissal is reported. Notice of dismissal on the part of the superintendent shall be given to the principal, assistant, or teacher by the superintendent in writing at least one week before the meeting of the board when the superintendent reports such dismissal. He shall, with the approval of the board of education, prescribe the courses of study in all the schools, but the text-books to be used in said courses shall be designated by the board. The superintendent shall annually, at a date to be fixed by the board, submit to the board a full report of the work and condition of the schools during the previous year, with recommendations for the ensuing year, which report, when accepted by the board, shall form part of its report to the mayor. He shall also report, each month during the school year, to the board in writing, any changes made in the several courses of study, and what principals, assistants, and teachers he has assigned, re-assigned, or dismissed, and shall furnish such additional information regarding the condition of the schools and the efficiency of the teaching force as may be required by the board. Said monthly reports shall be entered in a suitable book provided for the purpose, and shall be kept as a part of the records of the department.

Sec. 108. The treasurer of the city shall receive the amount of school money to which the district is entitled from the school

moneys of the state, from the town of New Haven, from state appropriations for school purposes, from gifts, and from the tax laid within the district for school purposes, which moneys shall be subject to the order of the board of education under such rules and regulations as the board of finance may from time to time establish.

Sec. 109. The board of education shall submit to the board of finance of the city, at the time fixed by law for the submission of the estimates of the other departments of said city, a detailed estimate of its expenses for the next year for which the appropriations for city purposes are by law required to be made, specifying separately the sums needed for current and special expenses.

Sec. 110. Said board of finance shall annually appropriate for the purpose of said district such amount as it may deem necessary for such purposes. Appropriations made for school sites and the building and furnishing of new schoolhouses or additions to old ones shall be known as the special school fund, and it shall be the duty of the board of education to cause accurate accounts to be kept of its receipts and expenditures, distinguishing between those of a general and those of a special character. The board of finance shall levy, for school purposes, a tax upon all property within said district as now or hereafter constituted.

Sec. 111. The board of education shall have power to maintain one or two high schools, as it may deem advisable, and a manual training school, and it shall determine the number and location of primary and grammar schools, but no expenditure involving any expense to the city of New Haven or the New Haven city school district for the purchase of ground or the erection of schoolhouses shall be made until a special appropriation for that purpose shall have been made.

Sec. 112. Said board shall annually, at a date to be fixed by the mayor, transmit to the mayor a full report of its proceedings during the previous year, together with a statement of its receipts and expenditures, specifying those on account of current expenses, and special expenses for land and buildings respectively, with such other details as the mayor may from time to time require.

Sec. 113. Said board shall have power to divide the school district into as many sub-districts as it may deem advisable, for the purpose of determining the limits within which children may attend each school.

Sec. 114. The city of New Haven, upon the recommendation of the board of education, shall have power to take sites for schoolhouses, or for the enlargement of sites already acquired, in the manner provided by law for the taking of land for public parks.

Sec. 115. The title to all property, legal or equitable, owned by such district, or which may hereafter be acquired for school purposes in said district, is hereby vested in the board of education, as trustee for said New Haven city school district.

Sec. 116. The Westville school district and the South school district are excepted from the provisions hereof. Whenever the electors of either the Westville school district or the South school district in the town and city of New Haven shall, by a majority

vote in district meeting, in the manner provided for the admission of the different wards in section 218 of this act, express their desire to have their district annexed to the New Haven city school district, said vote shall be certified to the board of education of the New Haven city school district, and said board shall then, by a proper vote, declare the district in question to be a part of the New Haven city school district, and it shall thereafter be included in said New Haven city school district, and be governed by all the provisions of this act relating to said district.

Civil Service Board.

Sec. 117. The chiefs of police and fire departments and three citizens, who shall serve without pay and be appointed by the mayor, shall constitute a civil service board. The necessary expenses of said board shall be paid by the city after approval by the board of finance. All citizens now members of said civil service board shall continue to be members of said board during the terms for which they were appointed unless sooner removed for cause under the provisions of this act. In the month of December, 1900, and biennially thereafter in the month of December, the mayor shall appoint a member of said civil service board for a term of six years from the first day of January next succeeding his appointment. Not more than two of the citizen members appointed by the mayor shall at any time be members of the same political party, and neither of such citizen members shall hold any other city office.—Amended by Act of Legislature, April 9, 1901.

Sec. 118. It shall be the duty of said board to prescribe rules for ascertaining the competency of applicants for position or promotion in the police and fire departments, and for all positions in the city government except the elective officers, commissioners, officials appointed by the mayor, superintendents and principals and teachers employed by the board of education. Said board shall, under such rules as it may adopt, hold competitive examinations as a basis for recommendations respecting any such positions or promotions. Said board shall also adopt such rules as it may deem effective providing for the registration and selection of all laborers to be employed by the city, which shall relate only to their capacity for labor, their habits as to industry, honesty, and sobriety, and the number of persons dependent on them for support.

Sec. 119. Whenever said board shall have adopted rules relative to the appointment or promotion of any class of such officials, no appointments or promotions within such class shall be made, except from those who shall have passed an examination of at least seventy per centum and have received a certificate to that effect from said board, and are upon the list of those eligible to such position or promotion, under the rules of said board. And after the adoption of such rules no removals shall be made of persons holding positions in any department of the city, subject to the provisions of such rules, except for sufficient cause duly shown, which cause shall not be political.

Sec. 120. Any appointment or removal made in violation of the provisions of section 119 shall be null and void; and it is hereby made the duty of the controller of the city to ascertain and make record of all appointments lawfully made in accordance with the provisions of said section 119, and he shall make no payments of salary or other compensation to persons within the classes prescribed in section 118, otherwise appointed. And said controller shall be chargeable by the city with all moneys unlawfully paid to persons appointed in violation of the provisions of said section 119.

Sec. 121. Any violation of any of the provisions of the foregoing sections relating to civil service and appointments thereunder shall be a misdemeanor, and any official found guilty of such offense may be punished by a fine not exceeding five hundred dollars.

Sec. 122. The civil service board as at present organized shall continue until January, 1902, when, and biennially thereafter, said board shall elect from its members a president. It shall also choose a secretary, whose duty it shall be to attend all meetings of the board, keep correct records of the same, prepare and keep on file in the office of the controller lists of those eligible for the several departments and clerical positions, send out official notices, and perform such other official duties as may be required of him by the said board. He shall receive such salary as the board may fix, not to exceed five hundred dollars per annum. Said president and secretary shall hold their respective offices for two years from the date of their election and until their successors are duly elected and qualified.—Amended by Act of Legislature, March 21, 1901.

Sec. 123. It shall be the duty of the secretary of said board to certify to the controller all lists of those eligible for appointment, giving names, ages, street addresses, nationality, examination grades, and to what positions each one is eligible. Such certifications shall be made within twenty-four hours after such lists shall have been made out by the board. Said secretary shall also place a duplicate copy of each of such eligible lists, within twenty-four hours after it shall have been made out by the board, in a position in the office of said controller easily accessible to the public, and shall keep each of such lists on file at least six months from and after the date of its origin.

Sec. 124. Public notice shall be given of all competitive examinations required under the several foregoing sections by one advertisement inserted in each of the daily newspapers issued in the city of New Haven, which advertisement in each of said papers shall be not less than five days prior to the date set for each of such examinations so advertised.

Court of Common Council.

Sec. 125. There shall be a court of common council in said city, consisting of a board of aldermen, which shall include all of the aldermen, and a board of councilmen, which shall include all of the councilmen, which boards shall meet separately, and said

court shall, with the approval of the mayor, or over his veto, as hereinbefore provided, exercise all of the powers conferred upon said city, except as otherwise provided.

Sec. 126. At the beginning of each municipal year, each of said boards of the court of common council shall elect, from among its own members, a president, who shall preside at the meetings of his board. In case of the death, resignation, removal, absence, or disability of its president, either board may elect a president *pro tempore.*

Sec. 127. Regular meetings of said boards shall be held at such times as may be fixed by the city ordinances; and said boards may be especially convened at any time by the mayor, and, upon a petition of the majority of either of said boards, in writing, filed with the city clerk, a meeting of such board shall be called. Said board may determine the rules of its proceedings, in conformity with the general principles of parliamentary law, punish its members for disorderly behavior, and, by a vote of three-fourths of its members, expel a member for due cause. A majority of all of the members of each of said boards shall constitute a quorum for the transaction of business, and the vote upon any question shall be taken by yeas and nays at the request of one-fifth of the members present.

Sec. 128. Whenever any meeting of either of said boards shall have been regularly called and no quorum shall be present, those members present may, by vote, request the mayor of said city or the presiding officer of said board to issue, and, upon such request, the said mayor or presiding officer shall issue a warrant signed by him, directed to the city sheriff of said city, or to the sheriff of New Haven county, or some one of his deputies, to arrest and bring into such meeting such members of said board as will, together with those present, constitute a quorum; and, at any meeting of said board, those members shall have the power to make any orders to compel the attendance of other members, and any one of the officers above mentioned shall obey such orders, upon request, and summon such assistance as may be necessary to carry such orders into effect. Each of said boards may also appoint a page, at a salary not to exceed fifty dollars per annum, who shall attend all the meetings of said board, and perform such other duties as may be required of him by said board.

Sec. 129. No by-law or ordinance shall be put upon its passage until it shall have been printed for examination, and no by-law or ordinance shall be put upon its passage until it shall have been referred to and reported by a suitable committee after a public hearing. No other vote, resolution, or measure, except reports from the director of public works concerning assessments, shall be put upon its passage, except by unanimous consent, until it shall have been referred to and reported by a suitable committee after a public hearing. No ordinance shall be of force or effect until it shall have been published at least three times in all of the daily papers published in said city, nor until one week after its enactment.

SEC. 130. All elections to any office or position within the gift of said court or either of said boards shall be made by *viva voce* vote, except as herein otherwise provided.

SEC. 131. The presiding officers of the board of aldermen, board of councilmen, of the several committees of said boards, and of the several boards of commissioners, and the director of public works, shall respectively have power to compel the attendance and testimony of witnesses before their respective boards, committees, and departments over which they preside, by the issue of subpœnas and the administration of oaths in the manner and according to the rules governing the same in courts of justice; and when it shall be necessary to secure the attendance or testimony of witnesses before said boards, committees, departments, or director of public works, such presiding officers and such director of public works shall have the right to apply to the court of common pleas, or to the superior court, for an order compelling any witness so summoned before them to testify; which courts shall have the power to issue subpœnas and to enforce the presence and testimony of all witnesses summoned, in the same way and to the same extent as they now have power to enforce and compel the presence and testimony of witnesses in each of said courts.

SEC. 132. The city of New Haven shall be a highway district, and the court of common council shall have sole and exclusive authority and control over all streets and highways, now or hereafter existing within the limits of said city, and shall have sole and exclusive power to lay out, make, or order new highways and streets within the limits of said city, and to alter, repair, and discontinue all highways and streets now or hereafter existing within the limits of said city. No person shall open, within the limits of said city, any public or private way, except under and by virtue of an order of said court of common council. Said court of common council is hereby authorized and empowered to order, lay out, construct, repair, and alter public squares, parks, streets, highways, sewers, gutters, drains, bridges, and walks, except as herein otherwise provided, whenever and wherever, in the opinion of said court of common council, the public good shall so require, and to order the paving, macadamizing. or other improvement of any street, alley, or highway within said city. Said court of common council is also authorized and empowered to construct and maintain wharves and docks; *provided*, that no wharf or dock shall be extended beyond the harbor line; and if, in the construction of any such wharf or dock, it is necessary to take any of the rights or property of individuals, and it cannot agree with said individuals upon the price to be paid for the same, they may exercise all the powers of eminent domain. The department of public works shall execute, and is hereby empowered to execute, all orders of the court of common council with reference to the matters contained in this section. The court of common council may, upon the execution of any order for the paving, macadamizing, or other improvement of any street or highway within said city, or upon the construction or alteration of any public sewer or other public

work, assess upon the persons whose property is in the judgment of said court especially benefited thereby, after reference to the board of compensation, and report thereon, as hereinbefore provided, a proportional and reasonable part thereof, and shall estimate the particular amount of such expense to be paid by every such person upon such assessment. In estimating such reasonable part of the expense of any sewer, the cost of constructing any main or trunk sewer, into and through which such other sewer is discharged, may be taken into consideration.

SEC. 133. The court of common council of said city is hereby authorized and empowered to take, occupy, and appropriate, for the purpose of drainage and sewerage of said city, at such times and in such manner as the health and convenience of said city may, in the opinion of the court, require, any and all water-courses, natural and artificial, or any portion thereof, within said city, except West river, which may be used solely for the purpose of receiving storm overflow from the Boulevard sewer; to deepen, clear out, alter, or straighten the same, or any portion thereof, for the purposes aforesaid; to establish the bounds thereof within which it shall not be lawful for any person to place any building, part of a building, wall, dam, or obstruction, without a special license from said court of common council first had and obtained; to remove all buildings, parts of buildings, walls, dams, earth, stones, rubbish, and obstructions of every kind that may be situated within the bounds of said water-courses, to be designated as aforesaid; to construct sewers or other artificial channels for the flow of said water, and to remove all obstructions to the passage of water in the said water-courses, sewers, or channels; also to raise, fill up, and drain low grounds.

SEC. 134. Said court of common council shall have supervision over all bridges crossing railroads in said city, and may, from time to time order the building, widening, or repairing of such bridges in such manner and within such times as in its judgment public convenience may require; and in case any railroad company, whose road is crossed by such bridge, shall neglect to obey such order, said court of common council may cause the required building, widening, or repairing to be executed at the expense of said city, and the treasurer of said city may then collect the amount of such expense from such delinquent company. Any order of said common council made hereunder shall be subject to appeal to the superior court by any railroad company affected thereby, by notice to said city of such appeal, given within thirty days from the service of such order upon such railroad company.

SEC. 135. Said court of common council may take by the right of eminent domain, in the name of the city, any property or property rights which may be needed for the purpose of laying out, extending, or widening any street, or park, or for the purpose of constructing or protecting any sewer, drain, or other property, or for the purpose of any public building, or for the successful prosecution and management of the almshouse and the property connected therewith, upon payment of just compensation under the rules governing the right of eminent domain.

Sec. 136. The director of public works shall provide for the watering and sprinkling of all streets and highways within the original twelve wards of said city, and shall provide in like manner for the watering and sprinkling of the streets and highways for the remaining portion of said city whenever the same shall come under the full jurisdiction of said city in accordance with the provisions of the charter of said city. Within the distance along any street or highway to be watered under the authority of this section, so much of said street or highway from side to side, shall be watered as shall be ordered by said director of public works. The actual cost of watering the whole or any part of any street or highway under this section shall be paid, except as hereinafter provided, by said city. Every street railway company operating a street railway upon any part of a street or highway shall itself sprinkle with water so much of the width of said part of said street or highway as is included within its tracks and a space of two feet on the outer side of the outer rails thereof, such sprinkling to be done at such times and in a manner satisfactory to the director of public works. Said city shall furnish the water used by such company for sprinkling, free of expense to such company. And said director of public works shall have power to contract with any street railway company, or with any person or persons, for the sprinkling with water of the streets and highways to be watered under this act; and said director of public works shall have the power to obtain and furnish, to such street railway company, or other person with whom it has contracted, under this section, water to be used in sprinkling the streets or highways in said city. Should any street railway company fail to sprinkle the streets or highways over which its lines are operated, as provided in this section, in a manner satisfactory to the director of public works, said director of public works shall provide for the sprinkling of such streets or highways for the remainder of the season, and the court of common council shall assess against the property of such railway company the actual cost of watering such parts of the streets or highways as have been neglected by such street railway company. The assessment upon the property of such railway company shall be made in the manner provided for assessing benefits occasioned by public works in said city, and shall be collected in the same manner that city taxes are collected.

Such assessments shall be and remain a lien upon the land or other property assessed by said court of common council as aforesaid; *provided*, that such lien shall not remain for a longer period than sixty days after such actual expense has been ascertained, and the owner of such property notified, unless the tax collector shall file with the town clerk of the town of New Haven a certificate signed by him describing the property on which the lien exists and the amount claimed as a lien thereon; and the city of New Haven may collect the amount assessed against any street railway company in accordance with the provisions of this act by suit at law in any proper court. The assessments for street sprinkling, for sewers, and for street pavements, under the act on page 565 of the special acts of 1895, and the amendments thereto, need not be

advertised in any newspaper, but all such assessments shall be valid and of full force whenever the city clerk of said city shall have deposited in the post-office a letter or postal card addressed to the owner of the abutting property and to the street railroad company, against which any assessment may have been laid, notifying such owner or railroad company of the amount of any such assessment. —Amended by Act of Legislature, June 17, 1901.

Sec. 137. The court of common council shall have power by majority vote of all the members of each branch thereof, present or absent, with the written approval of the mayor, or over his veto, as herein provided, to make, alter, and repeal orders or resolutions not inconsistent with law or with the provisions of this act; to enact, alter, or repeal ordinances to be called the Ordinances of the City of New Haven; and to prescribe penalties not exceeding a fine of one hundred dollars for any violation of the same, and the mode of enforcing such penalties; which orders, resolutions, or ordinances may be for any of the following purposes, to wit:

(a) To manage, regulate, and control all city property; to authorize the purchase or sale of property in the name of the city; and to provide for the form and manner of making contracts; to regulate the collection and enforcement of taxes and liens and the borrowing of money by the city for any purposes for which said court is authorized to lay taxes; and to provide for the adjustment of claims against said city, and for the payment of the same.

(b) To preserve the public peace and order; to prevent and quell disorderly assemblages; to punish the resistance, hindrance, or obstruction of public officers in the discharge of their duty; to prevent vice; to suppress gambling houses, houses of ill-fame, and disorderly houses.

(c) To protect said city from fire and unsafe buildings, and to regulate the construction and materials of buildings, and the use of property so as to prevent the starting and spread of fire; to regulate the cleansing of chimneys; to establish and designate districts of said city as fire districts within which it shall not be lawful to erect, enlarge, or elevate, or within which it shall not be lawful to remove any wooden buildings except by license issued in such manner as said court of common council may provide; to prohibit the erection or use and require the destruction or repair of unsafe buildings; to regulate and provide for the safe and convenient egress in the case of fire or other accident from theaters or other buildings designed in whole or part for public use; and to prohibit manufacturing, keeping, and sale of firearms, explosives, and inflammable materials, or the conveyance thereof through the streets of said city; to regulate the erection and use of stationary and portable steam boilers, and to license competent persons to manage the same; to make, maintain, and regulate public hydrants, and to provide the same with water; to protect the same from injury, and to prevent an unnecessary waste of water; to protect from injury fire alarm telegraphs in said city; to regulate the use and construction of electrical plants and wires on which electricity is conducted within said city; and to protect public gas and other public lamps therein.

(d) To establish building lines in the streets and ways of said city beyond which it shall not be legal to erect buildings or other structures; to provide for the laying out, grading, discontinuing, altering, paving, opening, improving, lighting, and making and repairing highways, streets, walks, squares, parks, public buildings, drains, sewers, gutters, and for the numbering of streets, and for the draining and raising of low lands.

(e) To provide for the compensation of the owners of such property as may be taken by the city for public uses; and to provide for the foreclosure of all liens legally laid and filed.

(f) To make, repair, purify, light, and keep open and safe for public use and travel, and free from encroachments or obstructions all streets and public highways, grounds, and parks, or any part thereof; to require sidewalks to be kept free from ice and snow; to regulate all shows, processions, assemblages, or parades in the streets and public places.

(g) To regulate the speed of animals, bicycles, street cars, and all other vehicles; and to regulate the cleaning of their tracks by street railway companies.

(h) To regulate or prohibit the running at large of animals in the streets or public places, and to provide for impounding the same.

(i) To license and regulate public hacks, carriages, carts, sleighs, trucks, or other public conveyances, and the charges for the use thereof; to regulate and prohibit the excavation and opening of streets, highways, and public grounds for public and private purposes, and the regulation of any work or thing therein, whether temporary or permanent, upon or over the surface thereof, and the removal of buildings through the same; to regulate the laying of gas pipes, water pipes, and drains for public or private purposes in the streets of said city; to prevent any and all persons in said city from loitering on the streets or any part thereof, in or about entrances to public or private buildings.

(j) To license and regulate bill posting and similar occupations.

(k) To prevent the committing of trespasses and nuisances in gardens, enclosures, cemeteries, and public places.

(l) To provide for the health of the city and to prevent and summarily abate nuisances of any kind; to establish quarantine regulations; to regulate the burial and disinterment of the dead.

(m) To regulate the planting, protection, and removal of trees.

(n) To prevent nuisances and summarily abate the same at the expense of the person maintaining them; to prevent the erection or use of any building within said city for the purpose of carrying on therein any trade, manufacture, or business, which in the judgment of said court of common council shall be prejudicial to the public health or considered an unnecessary annoyance to those living or owning property in the vicinity.

(o) To provide for the inspection of food of all kinds offered for sale, and to regulate the sale thereof.

(p) To regulate trade, markets, and commerce, and weights and measures in conformity with the lawful standards thereof; to pro-

hibit, license, or regulate dealing in fruit, and the peddling of merchandise in the streets of said city; to license or regulate all sports, exhibitions, public amusements, and performances, and billiard and bowling saloons in said city.

(q) To authorize a census of the city; and to receive such gifts, donations, and bequests for public purposes and public trusts as may be accepted pursuant to the terms in section 162, and to agree to the conditions and terms accompanying the same.

(r) To regulate the direction and construction of street railroads pursuant to the general laws of the state; to prescribe the duties of all officers and employes of every sort not expressly defined by the provisions of this act.

(s) To require bonds from all persons undertaking work of dangerous character, to protect the city from any loss by reason of their acts or defaults.

(t) To provide for the sprinkling of streets or parts thereof, by the city, or for the assessment of the cost thereof against the street railroad company or companies occupying the street.

(u) To require owners of property to bring connections with gas, water, sewer, and other pipes inside of their curb lines before permanent improvements in the street are made, and to provide for the restoration of the surface of the street to its former condition.

(v) To license, tax, and regulate branch stores and other concerns established for temporary purposes only.

(w) To restrain and punish vagrants and beggars; and to prevent cruelty to animals.

(x) To provide for the manner of warning the city elections and meetings of the court of common council and times of holding the same; to provide for the filling of vacancies which may occur in any office, except as otherwise provided; to provide for the appointment or election of such employes as are not otherwise provided for and as may be required for the proper transaction of the business of the city, and to prescribe their duties and compensation; to provide for the removal or expulsion of any city officer on account of corruption, misfeasance, or malfeasance in office, in addition to the methods herein provided; to provide for the appointment of special constables.

(y) To regulate the conduct of elections, subject to the provisions of the general election laws of the state, pursuant to which all city elections shall be held.

(z) To do all things necessary to make effectual the powers herein and by law conferred upon such city, except as herein otherwise provided.

SEC. 138. Said court shall have power to prescribe the manner of enforcing the penalties for violation of ordinances enumerated in the foregoing sections, and the rules of the department of public health, and the rules of the department of parks by a civil action or forthwith process as in criminal cases.

Removal of Officers.

Sec. 139. Municipal officers shall be liable to removal from office for any corrupt act or practice, malfeasance, mismanagement, mental incapacity, or incompetency for the proper performance of official duties, willful abuse of power, gross neglect of duty, extortion, receiving any gift or present from any contractor, or from any person seeking or engaging in any work for or furnishing material to the city, or from any incumbent or occupant of or candidate or applicant for any municipal office, for willfully concealing any fraud committed against the city, for directly or indirectly furnishing material or performing work other than his official duties for the city, for giving bond for any person holding a license for the sale of liquor within said city, or for any person having a contract with said city, or for the willful violation of any requirement of the charter or ordinances.

Sec. 140. Complaint in writing may be made to the superior court for New Haven county, by not less than twenty freeholders of said city, each of whom shall write his occupation and address opposite his signature, charging any municipal officer with any offense, setting forth facts on which said charge is founded, supported by the oaths of at least five of the complainants, according to the best of their knowledge, information, and belief. If, in the judgment of the court, there appears to be reasonable ground for such proceeding, the court shall direct the complaint to be filed of record, and make an order upon the accused returnable on a day certain and within ten days from the date thereof, to appear and answer said complaint, which order, with copy of said complaint, shall be forthwith served upon the accused, or left at his last known place of residence. If, on the return day of the order, the court shall find sufficient cause for further proceedings, it shall fix a time within sixty days for a full hearing of said complaint.

Sec. 141. Said court shall then cause notice to be forthwith given to the state's attorney for New Haven county that said complaint is pending; and it shall be the duty of said state's attorney to conduct the prosecution of said complaint, and said court shall make him a reasonable allowance for his services and expenses, which shall be paid by said city. The state's attorney may make such amendments to said complaint as he may deem best, provided that a copy of such amendments shall be served upon the accused, or left at his last known place of residence, at least twenty days before the time fixed for said hearing. Said court shall proceed with said hearing to final judgment with as little delay as possible. If the court shall find any charge in said complaint proven, and if it shall deem the offense sufficient, it shall enter judgment removing the accused from office, and the person so removed shall not be eligible to any office under said city government for a term of five years from the date of his removal. At any time after the charges are first brought to the attention of the court, it may, if in the judgment of the court sufficient reason exists for so doing, suspend the accused from office until it makes further order in the premises.

Sec. 142. One or more of the persons bringing such complaint shall give bond with surety to the satisfaction of the clerk of the superior court, in the amount of five hundred dollars, conditioned for the payment of such costs and charges as may be required of the complainants by the order of the court. If, after final hearing, the court shall be satisfied that no sufficient reason existed for the bringing of said complaint, it may require of the complainants the payment of such sum as it may deem best, not exceeding five hundred dollars, which amount may be paid to the accused as an allowance for the expenses of his defense, or to said city for its expenses, or the sum allowed may be divided between the accused and said city, as the court may in its discretion order.

Sec. 143. Nothing contained in the last four sections shall be construed to limit or change any of the powers or duties concerning the removal or suspension from office of officers or employes of said city, as defined in other provisions of this act, nor shall anything in said section prevent any city official from being prosecuted for the violation of any criminal law of this state or of any ordinance of said city.

Sec. 144. No witness shall be excused from testifying in any criminal proceeding, or in any investigation or inquiry authorized by this act, touching his knowledge of any offense committed against the provisions of this act. But such testimony shall not be used against him in any criminal prosecution whatever, and the accused shall not be convicted of any offense specified by this act, in any court, on the testimony of an accomplice, unless the same be corroborated by other evidence or by the circumstances of the case.

Miscellaneous Provisions.

Sec. 145. All officers of said city, unless prevented by death, inability, or suspension, or removal, shall hold their respective offices until their successors shall be chosen and shall have duly qualified.

Sec. 146. Every officer of said city chosen by the electors or appointed by the mayor or by the court of common council shall be a resident elector of said city. Nothing herein contained shall prevent the appointment of a woman to the board of education, nor shall this section apply to clerical assistance.

Sec. 147. No person shall be chosen by the electors of said city to fill any office of the city or town who is not nominated for said office at least ten days before the day of the election at which he is to be voted for; *provided, however*, that, if any person who shall have been nominated for any such office shall die or refuse to accept the nomination before the election at which he was to have been voted for, a new nomination may be made at any time before such election. The only legal evidence of any nomination shall be the written statement, or a duly certified copy thereof, filed with the city clerk, signed by the authorized representatives of the party or persons by whom such nomination is made. No person elected to any office in violation of the provisions of this section shall be deemed legally entitled thereto.

Sec. 148. On or before the tenth day of October in each year,

each department, and every executive officer not connected with any department, shall submit to the board of finance an estimate of the expenses of such department or office for the ensuing year, beginning on the first day of January next following, stating in detail, so far as possible, the purposes for which such expenses will be incurred.

Sec. 149. Whenever any office of said city, filled by appointment, shall become vacant by reason of the death, resignation, inability, disability, or removal of the person appointed to fill the same, said vacancy may be filled by the authority which made the former appointment. If said last incumbent was appointed for a definite term, his successor shall be appointed for the unexpired portion of said term.

Sec. 150. All taxes laid by said city or town or by the New Haven city school district shall become due and payable on the first day of July next after they are laid, and if any of said taxes remain unpaid on the first day of September next after they become due, interest thereon from the day when they became due until they are paid, at the rate of nine per centum per annum, shall be collected.

Sec. 151. All liens which are now recorded against property in said city shall bear interest from the date when this act takes effect at the rate of six per centum per annum, and all liens which shall hereafter be placed upon property shall bear interest at the rate of six per centum per annum from the date when the certificate of lien is filed with the town clerk.

Sec. 152. Every officer of said city shall, before entering upon the duties of his office, make oath in the following form, namely: I solemnly swear (or affirm) that I will faithfully and impartially perform the duties of the office of ..... to the best of my ability and according to law, and that I will at all times strive to use the power entrusted to me as such officer for the best interests of the city.

Sec. 153. No officer or employe of said city shall directly or indirectly furnish any materials to said city, or be directly or indirectly employed to do any work (except his official duty) for said city. All officers of said city shall serve without pay, except as otherwise expressly provided.

Sec. 154. No public improvement of any kind shall be ordered by the court of common council, or other authority having power to authorize the same, until an appropriation for said improvement has been duly made.

Sec. 155. The bonds of all city officers shall be taken to the city of New Haven, conditioned for the faithful performance of the duties of the office according to law. The form of each bond shall be to the satisfaction of the board of finance, and no person or corporation shall be accepted by said board of finance as surety on such bond except some corporation authorized by the law of this state to give bonds and become surety for bonds of municipal and other officials. The expense of all bonds required by this act shall be paid by the city.

Sec. 156. All contracts to be made or let for work to be done

or for supplies to be furnished to said city, except for the furnishing of light, water, or telephone service, and except as in this act otherwise provided, and all sales of personal property in the custody of the several departments, boards, or officers of said city shall be made by the departments, boards, or by the officers having the subject matter in charge. Whenever any work is necessary to be done to execute or perfect a particular undertaking, or any supply is needful for any particular purpose, and the several parts of said work or supply shall together involve the expenditure of more than two hundred and fifty dollars, a written contract for such work or supply shall be made, under such regulations as the court of common council may by ordinance establish, and under the rules of the department, board or office in question, which contract shall be founded on sealed bids or proposals, except for architect's services or where the supplies or the work needed can only be furnished by one party, made in compliance with public notice, duly advertised by publication, at least ten days before the time fixed for opening said bids or proposals. If the department, board, or the officer in question shall not deem it for the interest of the city to reject all bids, the department, board, or such officer shall award the contract to the lowest responsible bidder; *provided*, *however*, that if the department, board, or officer in question shall not deem it practicable or for the best interests of the city to proceed as above required for any particular work or the obtaining of any particular supply, a written statement to that effect shall be made, giving reasons and the manner in which, in the opinion of said department, board, or officer, the work should be done, or the supply obtained, and submit the statement to the court of common council, which shall take such action in the matter as it shall decide to be for the best interests of the city; *provided*, *however*, that all street cleaning, general repairs, and general maintenance of the highways in said city may be performed at the expense of said city under the supervision of the proper department thereof without calling for any bids or making any contract.

The form of each contract, which shall include the specifications, shall be approved by the corporation counsel, and the contractor shall give security to the satisfaction of the mayor and controller for the faithful performance of his contract. All bids or proposals shall be publicly opened by the department, board, or officer advertising for the same, in the presence of the controller; but the opening of bids shall not be postponed if the controller shall, after due notice, fail to attend. If the lowest bidder shall neglect or refuse to accept the contract within five days after written notice that the same has been awarded according to his bid or proposal, or if he fail to execute his contract or to give proper security, it may be re-advertised and re-let in the manner provided, or, with the written approval of the mayor, filed for public record with the city clerk, said contract may be awarded to the next lowest responsible bidder. If any work shall be abandoned by any contractor, it may be re-advertised and re-let in the manner provided for in the original contract, or, with the written approval of the mayor, such

department, board, or officer, may cause said work to be finished without making a new contract, and the original contractor shall be liable to the city for any excess in the cost of said work over the amount of the original contract. No bid shall be accepted from or contract awarded to any person who is in arrears to the city upon debt or contract, or who is a defaulter as surety or otherwise upon any obligation to the city. Three copies of every contract shall be executed, and one of the original copies thereof shall be filed in the controller's office.

Whenever proposals for furnishing supplies or doing work are invited by advertisement by any department, board, or officer, such department, board, or officer shall require, as a condition precedent to the reception of any proposal, the deposit with such department, board, or officer of a check, drawn to the order of the controller and certified by some reliable bank.

Such checks shall accompany the proposal and be for an amount of not less than five per centum of the amount required by said bid to be paid by the city for the proposed work to be done or supply to be furnished. Within three days after it is decided who is the lowest responsible bidder the controller shall return all such checks to the persons depositing the same, except the check deposited by the lowest responsible bidder for such contract; and if the said lowest responsible bidder shall refuse or neglect, within five days after due notice that the contract has been awarded to him, to execute the same, the amount of the deposit made by him shall be forfeited to and retained by the city as liquidated damages for such neglect or refusal, and shall be paid into the treasury of said city; but if said lowest responsible bidder shall execute the contract within the time aforesaid, the amount of his deposit shall be returned to him.—Amended by Act of Legislature, June 17, 1901.

Sec. 157. Each department and each executive officer is hereby empowered to employ clerical assistants when necessary, and to purchase necessary supplies, subject to the provisions of this act and to the approval of the board of finance as to salaries and number of assistants.

Sec. 158. The several departments and executive officers shall annually, on or before the fifteenth day of February, submit to the mayor a report of their proceedings duriug the fiscal year preceding, with a detailed statement of their receipts and expenditures, and such further additional information as to their proceedings, receipts, and expenditures, between the first day of January and the first day of May, as the mayor may require, and the mayor shall transmit the same to the court of common council within ten days after receiving the same, with any recommendation which he may think proper.

Sec. 159. All sinking funds heretofore established by law are hereby continued for the purpose for which such funds were established, and the powers and duties of the commissioners of said funds are hereby confirmed. Each of said commissioners, whether now in office or hereafter appointed, shall give bonds to the city in such sums and with such sureties as may be approved by the board

of finance. But no person or corporation shall be accepted by said board of finance as a surety on such bond except some corporation authorized by the laws of this state to give or become surety for municipal and other officials.

Sec. 160. It shall be the duty of every officer of said city, upon the expiration of his term, to deliver over to his successor in office all books, vouchers, papers, and memoranda under his control affecting the business of said city.

Sec. 161. No person shall hold any office under the city, or any department thereof, the compensation for which is a salary, while holding any other official position in or under the government of this city, the compensation for which is a salary. No person shall be appointed a member of more than one appointive board or commission to which a salary is attached.

Sec. 162. The city shall have power to accept gifts and to administer trusts for hospitals and dispensaries and for all purposes for which said city is authorized or required to expend money, and for no others.

Sec. 163. No officer of said city, or of any ward thereof, or of the New Haven city school district, whether elected or appointed, shall take or receive any money, article, thing, advantage, or promise thereof, as consideration for any vote or act in his official capacity, or for any neglect to vote or act in such a capacity, or for making or consenting in such a capacity to any award of any contract, or to any appointment to or removal from any office or place. Any person offending against any of the provisions of this section shall, upon conviction thereof, be punished by imprisonment for a term of not less than three months nor more than one year.

City Court.

Sec. 164. There shall be and hereby is established a court for the trial of causes in the city and town of New Haven, which court shall be designated and known as the city court of New Haven.

Sec. 165. The judge and associate judge of said court shall be appointed by the general assembly and shall severally hold office for the term of two years from and after the first day of April following their appointment, and until their respective successors shall have duly qualified. The judge of said court shall appoint a city attorney, an assistant city attorney, a clerk, and an assistant clerk of the said court, each of whom may be removed by said judge for cause, and each of whom shall hold office during the term of the judge appointing him, unless sooner removed, and until his successor is duly appointed and has qualified. The judge and associate judge shall take the oath provided by law for judicial officers. No person who is not a resident and elector of the city of New Haven shall hold any office in said court. No official of said court shall act as attorney in either the civil or criminal part of said court except in the discharge of his official duties.

Sec. 166. The associate judge shall have and exercise all the jurisdiction and powers conferred on said judge, in addition to the

concurrent power granted said associate judge by this act. In case of the absence of said judge and associate judge, or of the inability or disability of both to discharge the duties of said office, the clerk of said court shall, in writing, request any judge of the court of common pleas, or of any city court in this state, to act in the place of such judge, and, while so acting, he shall have and exercise all of the powers conferred on the judge and associate judge of the city court until one of them shall have returned or until such inability or disability shall have been removed. Any judge so called upon shall receive from the city of New Haven, in addition to his actual and necessary traveling expenses, the sum of eight dollars for each day for actual service in said court.

Sec. 167. The clerk and assistant clerk of said court shall take the oath prescribed for clerks of courts in this state. Each of them shall execute a bond to said city in the penal sum of five thousand dollars, in form and with security satisfactory to the board of finance of said city, conditioned for the faithful performance of his duties according to law, and said bonds shall be deposited with the controller. But no person or corporation shall be accepted by said board of finance as a surety on such bond except as authorized in section 159 of this charter. The assistant clerk shall have all the powers and may perform all the duties of the clerk, subject to his direction.

Sec. 168. The clerk shall keep the civil files and records of said court, and in general shall have and exercise all the powers and discharge all the duties pertaining to civil matters pending in said court which belong to or are discharged by the clerks of the superior court in like cases pending therein, so far as the same are applicable to said court. He shall collect the same fees in civil matters as are hereinafter provided, and all fees, costs, fines, and other sums coming into his hands in criminal cases shall be paid into the treasury of said city for the use of said city, except that he may pay from the funds in his hands the costs and fees in criminal cases to the persons entitled to receive the same, and any necessary expenses of said court which shall have been approved by said judge, taking receipts for such payments, and shall report to the court monthly all fees due and unpaid. He shall account to the controller of said city monthly for all moneys by him received under the provisions of this act, and his disbursements thereof, and pay all balances in his hands at said times of accounting into the treasury of said city, except such sums as may be necessary for him to retain to pay said costs, fees, and expenses to the persons respectively entitled thereto; *provided*, that no fees in criminal cases shall be paid to or received by any paid member of the police force of said city for any service whatever, as a witness or otherwise; *and provided further*, that no person shall be entitled to receive any costs or fees unless demand shall be made therefor within ninety days after the same shall have been taxed. Said clerk may draw orders on the city treasurer for such sums as may be necessary to pay all the fees, costs, and expenses of said court which have accrued and are payable by him, and it shall be the duty of said city treasurer to pay such orders on

the treasury when countersigned by the judge, and said clerk shall return to the controller each month a detailed statement under oath, of his official receipts for the month preceding, under the following heads, to wit: From fines, from jail, from the superior court, and from other sources; also a detailed statement under oath, of his official disbursements, and of the amount paid over to the city treasurer by him for the same period. Said clerk shall, with his monthly account rendered to the controller, file a certified statement of the civil sessions held by said court during the month.

Sec. 169. Said clerk shall keep the criminal files and records of said city court, and shall, within ten days after any appeal or binding over in criminal cases in said court, deliver to the clerk of the court to which the appeal is taken, or the person is bound over, a copy of the files and records of the case. He shall receive all fees and costs imposed by said court in criminal cases which are paid before commitment, and all fees and costs paid after commitment to the keeper of the jail, workhouse, or other place where the offender is confined, shall be paid by such keeper to the clerk. Said clerk shall also receive all sums taxed in the higher courts for costs before said city court, and for copies in cases coming from said city court to said superior court or criminal court of common pleas by appeal, binding over, or otherwise.

Sec. 170. The office of the city attorney shall be open from eight o'clock in the forenoon until eight o'clock in the evening on all days except Sundays and legal holidays, and the office of the clerk of the city court shall be open from nine o'clock in the forenoon until five o'clock in the afternoon, and the offices of city attorney and said clerk of said court shall be in the building where said court is held.

Sec. 171. The officers of said court shall respectively receive the following salaries, which, except as herein provided for the clerk, shall be in compensation for any services required of said officers: The judge, two thousand and five hundred dollars; the associate judge, two thousand and five hundred dollars; the city attorney, three thousand and five hundred dollars; the assistant city attorney, two thousand dollars; the clerk, two thousand and two hundred and fifty dollars, and fees in civil cases; the assistant clerk, one thousand dollars.

Civil Jurisdiction.

Sec. 172. Said court shall have concurrent jurisdiction over all civil causes, both at law and in equity, wherein any of the parties reside in said city or town, except suits wherein the title to, or right to possession of, or easement in land situated outside of the limits of said city or town is to be tried and determined, and except civil actions for injury to such title or right; *provided*, that in any civil cause wherein the debt, damage, or matter in demand exceeds one hundred dollars in amount or value, any defendant residing out of said city or town may, with the written assent of the rest of the defendants, when there are more than one, remove said cause to

the next court of common pleas or superior court for New Haven county; *provided*, said cause would have originally been within the jurisdiction of the court to which the same is removed, upon his written motion filed within three days after the return day of the writ, and upon filing therewith his affidavit that he has a *bona fide* defense and that such removal is not intended for delay, which affidavit shall form a part of the files and records of the cause; and upon the granting of such motion the clerk of the city court shall deliver the original files in the said cause, with his certificate of removal thereon, to the clerk of the court to which it is removed, who shall forthwith enter the same upon the docket of said court, to be in all respects proceeded with as though it had been originally brought to said court, and no attachment, lien, bail-bond, or other security previously had or given shall be affected by such removal; *provided further*, that any defendant aggrieved by any judgment or decree rendered by said court in any cause which was originally within the jurisdiction of the superior court, may appeal to said superior court, except in a case of a trial by jury upon his own motion.

Said appeal shall be taken to the next return day or the next but one of the superior court, and such defendant shall file a written notice of appeal, and a bond to the adverse party in the sum of one hundred dollars, with surety satisfactory to said city court to prosecute such appeal to effect, and answer all damages if he make not his plea good, within forty-eight hours after such judgment shall have been rendered, unless said court shall, on motion, extend the time for filing the same. The clerk shall, within ten days after the filing of such bond and notice, deliver a true and attested copy of the files and records of the cause to the clerk of the superior court, who shall enter said cause on the docket thereof, and said cause shall thenceforth be proceeded with in all respects as in case of appeals from the judgment of justices of the peace. The party who shall finally prevail in said cause shall recover all costs taxed in said city court.

Said city court shall not have power to issue writs of mandamus, prohibition, *quo warranto*, *ne exeat*, *or habeas corpus*.

Sec. 173. Said court shall have the same authority in cases of bastardy that is or may hereafter by law be exercised by justices of the peace in the town of New Haven. Said court shall have power and authority to issue search warrants to be served in said town of New Haven, and the proceedings in reference to such search warrants shall in all respects be the same as in reference to search warrants issued by justices of the peace in the several towns. Complaints for forcible entry and detainer with reference to any houses, lands, or tenements, situated wholly within the limits of said city or town, may be made to said city court, and said court may proceed thereupon in all respects as a county commissioner and a justice of the peace may do, and all the other provisions of the statutes of this state, with reference to forcible entry and detainer, are hereby made applicable to such cases, except that the jury shall be drawn and summoned, and costs shall be taxed as in other civil cases before said city court.

SEC. 174. All writs and other process and proceedings brought to, pending in, or issuing from said city court, shall be in form, style, subscription, and mode of authentication, similar to those in use from time to time in the superior court, and shall have the same authority and validity, and such process may be signed and issued by the authorities authorized by the general statutes to sign and issue process and by the judge or clerk of said city court, and may be served in any part of this state by any person authorized to serve like process issuing from or returnable to the superior court in like cases.

SEC. 175. The rules of practice in the superior court, both in civil and criminal causes, so far as the same may be applicable, shall govern the practice in said court until the same shall have been modified by the judge of said city court, who is hereby authorized to repeal, modify, or add to said rules.

SEC. 176. In all civil cases where the matter in demand does not exceed one hundred dollars, the taxable costs and fees, except clerk fees, and the compensation, except that for the compensation of jurors, shall be the same as in trials before justices of the peace; in all other civil cases the costs and fees shall be the same as in cases brought to the superior court, and in all cases formerly cognizable in equity, the costs shall be at the discretion of the court, in the same manner as in causes pending in the superior court.

SEC. 177. There shall be but one term of said city court, beginning on the first Monday of July in each year. There shall be a session of said court for the transaction of civil business on the first Monday of each month, and at such other times as the judge or associate judge of said court shall direct.

SEC. 178. When a defendant who is sued in said city court in any civil action lives within the limits of the town of New Haven, the writ shall be served upon him at least six days before the day to which the writ is returnable, but if the defendant lives without the limits of the town of New Haven, the writ shall be served upon him at least twelve days before said return day. Writs may be made returnable to said court upon any Monday or Thursday; *provided*, that each writ shall be returned to the clerk of said court on or before the day preceding the one to which such writ is returnable.

SEC. 179. Either party to any civil action may put the same to a jury under like conditions and with like effect as in the superior court, unless said city court shall by rule otherwise prescribe. Said court may cause a jury to be summoned at such time as it may see fit.

SEC. 180. Whenever said clerk shall issue a warrant commanding any proper officer to summon a jury to appear before said court, such officer shall, in the presence of the judge or associate judge of said court, take out of the jury box as many papers as his warrant directs, and the persons whose names shall be found written thereon shall be summoned to appear before the court at the time in the warrant named, to serve as jurors; and in case a complete panel shall not attend, or for any reason there shall be a

deficiency of jurors for the trial of any cause, such officer shall supply the deficiency by drawing, in the presence of the court, other names from said box, and summoning such persons to attend and serve, or by summoning a sufficient number of talesmen, as the court may direct, until the panel shall be complete, and the names of such jurors as do not attend or are challenged or excused shall be returned into the box and shall be liable to be drawn again. The name of each juror who attends court and serves shall, in like manner as aforesaid, be put into another box, which said clerk shall provide for that purpose, and may be drawn again in case, for any reason, there is a deficiency in the other box to complete the panels for that year for which they are chosen to serve.

Sec. 181. Either judge of said court shall have power to try and decide all issues of fact that shall have come before said court, by himself or by a jury of any number of freemen, not less than two or more than twelve, empaneled as aforesaid when both parties shall agree thereto. The oath to be taken by said jurors shall be the juror's oath now provided by law. Any juror neglecting to attend when duly summoned shall be liable to such penalties as shall be prescribed by the ordinances of said city for such neglect.

Sec. 182. The judge or associate judge of said court may require the city sheriff, or, in his absence, inability, or disability, the sheriff of New Haven county, or any one of his deputies, or any constable of the town of New Haven, to attend any session of said court held for the transaction of civil business only, and to execute the orders of said court. It shall be the duty of such officers to attend said court when required.

Sec. 183. Either the city attorney or the assistant city attorney may sue for, in any proper form of civil action, collect, and receive, in the name and behalf of said city, the penalty incurred by the breach of any ordinance of said city, or any by-law of the departments of parks or of health, now or hereafter in force; or such city attorney may enforce such ordinance by criminal prosecution, but no person shall be prosecuted both civilly and criminally for the same breach of an ordinance, and in such prosecution, civil or criminal, it shall be a sufficient description of the offense or forfeiture to set forth the act complained of and to allege the same to have been done contrary to the ordinance in such case provided. All fines and penalties collected under the provisions of the charter of said city, or of this act, shall, unless otherwise provided, be paid into the treasury of the city.

Sec. 184. From all judgments and decrees of said city court the same relief may be had by appeal as is provided by law for relief from judgments and decrees of the superior court in similar cases and in like manner.

Criminal Jurisdiction.

Sec. 185. Said court shall have and exercise, within the town and city of New Haven, all the jurisdiction, authority, and powers which justices of the peace in the several towns of this state have

and exercise, or shall hereafter by law have and exercise, in all matters of a criminal nature, and shall have jurisdiction and cognizance of all crimes and misdemeanors committed wlthin said town or city, either before or after the passage of this act, the punishment whereof, inflicted by said court, shall not exceed a fine of two hundred dollars, or imprisonment in a common jail or workhouse for six months, or both such fine and imprisonment, notwithstanding any general statute to the contrary, and shall have power to proceed to trial or examination, render judgment, require sureties of the peace, bind over to the superior court in cases not within the jurisdiction of said city court, and grant warrants of commitment and execution in the same manner as justices of the peace in the several towns in this state may do in criminal cases, lawfully brought before them; *provided*, that the accused may, either during the same session at which he shall be convicted or within forty-eight hours after the close thereof, but not afterwards, appeal to the criminal term of the court of common pleas next thereafter to be holden in and for said county, in all cases of conviction, except when the conviction shall be of the crimes of drunkenness, profane cursing, and swearing, and Sabbath breaking, upon giving bonds of recognizance with sufficient surety to the state, conditioned as is now or may hereafter be provided by law in appeals from judgments of justices of the peace in criminal cases; *and provided further*, that if the appellant shall be unable to procure bonds on his appeal, he may be committed to jail and there detained for trial, or admitted to bail in the same manner as persons bound over to the superior court for trial.

Sec. 186. Said city court shall also have jurisdiction and power in all cases of criminal prosecution for the breach of the city ordinances and of the by-laws or regulations of the departments of parks and of health, now or hereafter in force, in the same manner and to the same extent, and subject to an appeal to the criminal term of the court of common pleas of said county, in the same manner and upon the same terms as in other criminal matters, except that bonds in all such appeals shall be taken to said city.

Sec. 187. No grand juror shall make complaint, either to said city court or to a justice of the peace, of any criminal matter whereof jurisdiction is conferred upon said city court by this act, nor shall any justice of the peace take cognizance of any action or complaint of a criminal nature whereof jurisdiction is conferred upon said court by this act.

Sec. 188. A session of said court shall be held daily, Sundays excepted, for the trial and disposition of any criminal matters legally brought before it, and may be held on Sunday, and an extra session of said court may be held whenever deemed necessary by the judge or associate judge thereof. Said court shall proceed in all criminal cases without jury, may issue subpœna and capias for witnesses in matters brought before it, warrants of arrest upon complaint made to it of criminal offenses, and all other usual criminal process to be served in any part of this state, and shall administer justice in all criminal matters whereof this act gives jurisdiction

according to law, and such process shall be deemed to be issued by the court, when issued and signed by the judge or associate judge, clerk or assistant clerk, the city attorney or his assistant. Said court may adjourn any case to a future day for trial, and take bonds for the appearance of the accused, as justices of the peace may do, and when said court has or may have final jurisdiction thereof, the bonds shall be taken to said city, otherwise to the state; and such bonds may be taken by the judge or associate judge, clerk or assistant clerk, and, in the case of the arrest of any person upon a criminal charge, when the offense is bailable, the judge or associate judge, clerk, or assistant clerk of said court, or the acting chief of police of said city, or some official designated by him, may take bonds, with sufficient surety for the appearance of the accused before said court at its next session for criminal business, and for his abiding the order of said court, and in such cases the bond shall be taken as above provided; but in no case shall any fee or reward be received for taking such bond.

Sec. 189. Said court may suspend the rendition of judgment in the case of any person arraigned before it for drunkenness, vagrancy, disorderly conduct, assault and battery, breach of the peace, or other petty offense, and in case of juvenile offenders, who might otherwise be committed to the Connecticut School for Boys, or the Connecticut Industrial School for Girls, whenever such court may deem such forbearance to be advisable by reason of the age of the accused or the circumstances under which the offense was committed.

Sec. 190. In all cases and proceedings of a criminal nature, the following costs shall be taxed in said court: A court fee of three dollars, and the same officer's and witness' fees as are taxable in the superior court; *provided*, *however*, that in cases of assault and battery, breaches of the peace, and other misdemeanors, said court may, in its discretion, direct that witness fees shall not be paid to any witness in fault in the matter of the complaint, or where the witness is the complainant but the offense is trifling in character, or where said court is of the opinion that the witness is not justly entitled to said fee. All copies in cases coming to the superior court, or the criminal court of common pleas, by appeal, binding over, or otherwise, shall be taxed the same as in similar cases coming in like manner from justices of the peace; in case of conviction and judgment against the accused, said costs shall be paid by him and payment enforced, as in cases before the superior court, and all fees taxed as such costs by said court, but due to any individual, shall be paid by said city to him, except as herein otherwise provided.

Sec. 191. The city attorney and the assistant city attorney shall each take the oath prescribed by law, for grand jurors, *mutatis mutandis*, and shall hold office from the dates of their appointment and until others shall be appointed and sworn in their stead. They may be removed by the judge for cause, and if either of them shall willfully neglect any duty imposed upon him by this act, he shall incur a penalty of one hundred dollars for every such neglect, one-half to him who shall prosecute therefor, and the other half to said city, which said penalty may be recovered in any proper

action founded on this statute. Either of them may issue subpœnas for witnesses to be sworn before said court, and may require any person informing him of the commission of a crime to make information under oath, and may administer the witness' oath to him. The provisions of section 91 of the general statutes of Connecticut are hereby extended to said city attorney and assistant city attorney, and they shall respectively have all the powers within the limits of the city or town of New Haven that grand jurors have in their several towns by virtue of said section. It shall be the duty of each of them diligently to inquire after and make due presentment or complaint to said city court of all crimes, misdemeanors, and other criminal matters whereof said court has jurisdiction or whereupon said court may proceed, whether committed before or after his appointment to office, and to attend to the proper trial and hearing of the same before said court.

Sec. 192. Whenever any breach of any ordinance of said city or of any rule or regulation of the department of health or the department of parks has been committed for which a fixed penalty is prescribed, either of said attorneys may collect and receive the amount of such penalty without a suit or prosecution therefor; and whenever such breach has been committed for which a discretionary penalty is prescribed, either of said attorneys may collect and receive in like manner therefor, the maximum penalty prescribed for such breach. Each of them shall, within thirty days thereafter, render an account of all such penalties received by him, together with the dates and names of the persons paying the same and the several amounts, to the controller.

Sec. 193. Said attorney or said assistant attorney shall in like manner sue for, collect, and receive the amounts due on all bonds payable to the city in criminal matters when the same have been or shall be forfeited. Each of them shall deposit with the controller of said city a bond in the penal sum of one thousand dollars, in form and with surety satisfactory to the board of finance of said city, conditioned for the payment by him to the city of all money belonging to the same coming into his hands as aforesaid, and he shall pay over such money within ten days after the same is received. But no person or corporation shall be accepted by said board of finance as surety on such bond except as provided for in section 159 of this charter. He shall forthwith notify the state's attorney for New Haven county of the forfeiture of any bond of the state in criminal matters before said court.

Sec. 194. Criminal process issued by said city court, or by the judge or clerk thereof, may be served by any member of the police force of said city, or by any proper officer or indifferent person, and may be served in any part of this state; but before any member of said police force shall leave said city to serve such process, he shall obtain permission so to do from the acting chief of police of said city. Any officer or indifferent person, other than paid members of said police force, shall receive the same fees for such service allowed by law to constables in similar cases and any extra expense, necessarily or reasonably incurred in securing an offender

and bringing him before said city court, may be paid from the funds of said city, and in the discretion of said court may be taxed, allowed, and collected as a part of the costs.—Amended by Act of Legislature, April 9, 1901.

Sec. 195. It shall be the duty of the chief of police of said city, for the time being, to designate a suitable officer or officers of said force, who shall attend the sessions of said court for criminal business, shall bring before it any person or persons in custody, for trial therein, take custody of any persons convicted or bound over therein and deliver them over to the officer or other person proper to receive the same, and, in general, execute the orders of said court.—Amended by Act of Legislature, April 9, 1901.

Sec. 196. The keeper of the county jail and workhouse of New Haven county, and the keeper of the town workhouse of the town of New Haven, and the keeper of the Connecticut School for Boys, and the keeper of the Connecticut Industrial School for Girls, shall receive any person committed thereto by said court, and shall have and keep the custody of such person as in other cases, according to law until duly discharged. It shall be the duty of each of the keepers of said jail or workhouse to render to the clerk of said court, at least once in each month, an account of all persons committed to his custody by order of said court, and of those discharged, stating by whom and how discharged, and to pay over to said clerk all moneys paid to them for fines or costs by or for such persons, except that they shall be permitted to retain five per centum of such moneys so received by them, as compensation for making out such returns, and said clerk shall keep said returns on file.

Sec. 197. It shall be lawful for all members of the police department of said city, and it shall be their duty, to arrest, without previous complaint and warrant, all such persons as are guilty of drunkenness, vagrancy, disorderly conduct, breach of the peace, common assaults, and other offenses, when such offenses shall be committed within the jurisdiction of the city court, and such offenders shall be taken or apprehended in the act, or on the speedy information of others, and all persons so arrested shall be presented before said city court at its next session for trial; each member of said police department shall also have power, by permission of the chief of said department, to pursue and arrest with process in any part of this state persons charged with any criminal act committed within the limits of the city or town of New Haven.

Sec. 198. The chief of said police department shall have power, subject to the control of the mayor of said city, to suppress all tumults, riots, and unlawful assemblies within said city or town, with force and strong hand; to enter into any house and building in said city or town reasonably suspected of being inhabited, frequented, or resorted to by persons of ill-fame, or persons of idle, dissolute, or disorderly character, or for purposes of gambling or gaming; to command all such persons, when found in or about such house or building to disperse, and, upon their refusal so to do, to arrest such persons, and cause them to be brought immediately

before said city court, to be proceeded against according to law, and to require any person to aid him in the execution of the powers conferred upon him by this section; and every person of sufficient age and ability who shall refuse to aid and assist him when so required shall forfeit a sum not exceeding fifty dollars to said city, to be sued for and collected by the city attorney.—Amended by Act of Legislature, April 9, 1901.

Sec. 199. All acts or parts of acts inconsistent herewith relating to or affecting the city court of New Haven are hereby repealed, but said court shall have jurisdiction over all offenses committed or causes of action accruing prior to its taking effect, whether pending or not, in the same manner as though this act had not been passed.

Sec. 200. All powers, duties, and liabilities formerly vested in and imposed upon the town of New Haven respecting highways, private ways, bridges, and respecting paupers, shall hereafter be transferred and be imposed upon the city of New Haven. All provisions of the charter of said city concerning highways, private ways, and bridges shall hereafter be extended and made to apply to all territories within the present limits of the city of New Haven.

Department of Charities and Correction.

Sec. 201. There shall be a department of charities and correction in said city under the management and control of a board composed of three members. All persons who are at present members of said board of charities and correction shall continue to hold office during the terms for which they were appointed unless they shall be sooner removed for due cause according to the provisions of this act. During the month of June, 1901, and biennially thereafter, the mayor shall appoint a board of three members to serve for a term of two years from the first day of July following their appointment. In making said appointment the mayor shall designate one of said board to be superintendent. Not more than two members of said board shall at any one time belong to the same political party. Said board may make all necessary rules and regulations concerning the affairs of said department not inconsistent with the law or with the ordinances of said city. Said superintendent shall receive a salary not exceeding two thousand dollars per year. The other members of said board shall serve without pay. Said superintendent shall give bonds to the amount of twenty-five thousand dollars.—Amended by Act of Legislature, June 10, 1901.

Sec. 202. Said board of charities and correction shall hereafter be charged with the care of the poor belonging to said city and those within the former limits of said town, and shall execute all laws relative thereto which would, except for this act, apply at any time to the selectmen of said town. All paupers within said city who have no settlement therein shall be cared for or removed by said board in the same manner in which they would have been cared for or removed by the selectmen of the town of New Haven were it not for this act. Said board shall provide a suitable place where shelter and food may be furnished at the discretion of said board

to any destitute person temporarily within said city; but no able-bodied person, whether a resident or non-resident of said city, shall be furnished shelter, food, or relief in any form, unless such person shall render in labor or otherwise as full an equivalent for what he receives as such board shall consider reasonable under the circumstances.

The said board shall annually make a report of its doings for the fiscal year next preceding, in accordance with the provisions of section 158, which report shall be published with the report of the other departments.

Sec. 203. On or before the first day of November in each year, said board shall submit to the board of finance in said city estimates of the amount of money required by it for the ensuing fiscal year, specifying the purposes for which each part is required.

Said board shall cause to be kept a record showing the age, sex, nationality, and probable cause of destitution of each person whom it relieves, the time when public relief was first given, the amount of relief given to each person, the birthplace of each, the number of applicants for relief in each month, and the monthly expenditure for all relief; and said record shall at all reasonable times be open to the inspection of the public.—Amended by Act of Legislature, April 11, 1901.

Sec. 204. Said board shall have power to employ and discharge a manager of Springside farm and home, who shall reside at said place, and shall engage in no other business, and may authorize the superintendent to employ and discharge such clerks and other assistants as it may find necessary in carrying on its work. All appointments and removals made by said board, of officers or employes, whose compensation exceeds twelve dollars per week, shall be in writing, and be signed by at least two members of said board and entered upon the records of the department. Said board shall have an office in the city hall, which shall be open on each business day at times to be fixed by said board.

Sec. 205. Said superintendent shall have the care, management, and direction of the almshouse. All relief given to persons outside of the almshouse (except to those in hospitals, asylums, and other public institutions) shall be given under his supervision. He shall be the purchasing agent of said board, and shall make a written report to said board on or about the fifth day of each month, as directed by said board, of all purchases, sales, and collections made by him during the month last ended, and he shall also report what supplies were on hand, at the almshouse or elsewhere, on the last day of the month preceding his report.

Sec. 206. All powers and duties of the selectmen of said town concerning the appointment and supervision of conservators, guardians, and overseers, the commitment of persons to the Connecticut School for Boys, or the Connecticut Industrial School for Girls, the commitment of insane persons and indigent, imbecile children to proper institutions, the indenture of apprentices, the giving of children in adoption, the education of children, the collection and return of statistics concerning the deaf, dumb, and blind, prosecu-

tion for bastardy, and concerning all other matters affecting the defective and dependent classes, and the execution of all laws relative thereto, which would at any time, except for this act, belong to the selectmen of said town, shall hereafter be exercised or performed by said board of charities and correction. All notices and summonses respecting any of the matters mentioned in this section which the law now requires to be served upon the selectmen of said town shall hereafter be served upon the clerk of said city, who shall forthwith give notice to the clerk of said board.

All powers relating to the establishment of workhouses which would at any time, except for this act, belong to said town, shall hereafter be conferred upon said city. All workhouses of said city and their inmates shall hereafter be maintained and controlled by said board of charities and correction, and said city shall have the use and benefit of the labor of all inmates of its workhouse. All general laws concerning town workhouses, so far as they are consistent with this act, shall apply to said city.

Town Clerk.

Sec. 207. The town clerk of said town shall continue to discharge all the duties required of him by law hereafter, and his compensation shall be three thousand dollars a year, which, together with the expenses of his office, including the salaries of clerks, the number and salaries of which shall be determined by the board of finance, shall be paid by said city. On the first week day of each month said town clerk shall make report to the mayor of all fees collected by him during the preceding month, and shall pay the amount of the same into the city treasury. On or before the fifteenth day of February in each year he shall, in accordance with the provisions of section 158, submit to the mayor an account of the doings of his office for the preceding fiscal year, which report shall contain a statement of all moneys received and expended in said year. He shall give bonds in the amount of ten thousand dollars.

Registrar of Vital Statistics.

Sec. 208. The registrar of vital statistics of said town shall hereafter continue to discharge all of the duties required of him by law, and his compensation shall be two thousand dollars per annum, which, together with the expenses of his office, including salaries of clerks, the number and salaries of which shall be determined by the board of finance, shall be paid by said city. On the first week day of each month the registrar of vital statistics shall make report to the mayor of all fees collected by him during the preceding month and shall pay the amount of the same into the city treasury. On or before the fifteenth day of February in each year he shall, in accordance with the provisions of section 158, submit to the mayor an account of the doings of his office for the preceding fiscal year, which report shall contain a statement of all

money received and expended by him for the preceding fiscal year. He shall give bonds in the amount of five thousand dollars.

Selectmen and Constables.

Sec. 209. There shall be elected at the April election, 1900, and in each year thereafter, five selectmen and five constables who shall hold office for one year from the first week in June next following their election. No person elected as constable shall enter upon the duties of his office until he has filed a bond with sufficient surety, in the sum of five thousand dollars, payable to the treasurer of the city of New Haven, conditioned for the faithful performance of his duties. The powers and duties of said selectmen shall hereafter be limited to those powers vested in and those duties imposed upon selectmen by the constitution and laws of the state relating to the admission of persons to the privileges of electors in said town, and to the erasure from the registry list of the names of those who have forfeited the privileges of electors, and the powers and duties imposed upon them by the act incorporating The Trustees of the Old Almshouse Farm of New Haven, and the amendments thereto. No elector shall vote for more than three selectmen at any election. Each of said selectmen shall receive fifty cents per hour for the time actually spent in the discharge of said duties, and their necessary expenses, and their compensation and expenses shall be paid by said city.

Sec. 210. The town clerk, registrar of vital statistics, grand jurors, and registrars of voters in office when this act takes effect shall continue to hold their respective offices for the terms for which they were elected, and until the first week day of June, 1903. The city of New Haven shall, at the April election in 1903, and biennially thereafter, elect a town clerk for the town of New Haven, who shall hold his office for the term of two years from the first week day of June next succeeding his election, and shall perform all duties imposed by law upon the town clerks of other towns. The city of New Haven shall, at its April election in 1903, and biennially thereafter, elect a registrar of vital statistics, grand jurors, and registrars of voters, each to serve for two years from the first week day of June next succeeding his election. The powers and duties of said registrars shall be the same as they would have been in the same town had this act not been passed, and they shall be subject to all laws applying to the corresponding officers of other towns. All expenses of said town elections shall be paid by said city, and warning of said elections shall be given as provided by law for town elections. All electors formerly of the town of New Haven and of the city of New Haven shall be electors of said city and shall be qualified to hold office in said city and vote at all city elections. All elections in said town shall hereafter be held on the third Tuesday of April in each year, beginning with the April election, 1902.—Amended by Act of Legislature, June 10, 1901.

Board of Assessors.

Sec 211. There shall be a board of assessors in said city consisting of five members, not more than three of whom shall belong to the same political party. The present members of the board of assessors in said city shall continue to be members of said board until the term for which they have been appointed shall expire, unless sooner removed for cause in accordance with the provisions of this act. In the month of June, 1900, and annually thereafter, the mayor shall appoint one assessor to serve for five years from the first day of July next following his appointment. Each assessor shall receive a salary of two thousand dollars a year. Said board of assessors may appoint a clerk or clerks, the number and salaries of which shall be fixed by the board of finance. Said assessors shall have the same powers and duties which the assessors of the town of New Haven would have had if this act had not been passed.

Board of Relief.

Sec. 212. There shall be a board of relief in said city consisting of three members, not more than two of whom shall belong to the same political party. The present members of the board of relief shall continue to hold office until the terms for which they have been appointed shall expire, unless sooner removed for cause in accordance with the provisions of this act. In the month of June, 1900, and annually thereafter, the mayor shall appoint one member of the board of relief to serve for three years from the first day of July next following his appointment. Each member of the board of relief shall receive a salary of two hundred dollars for each of the months of April, May and June, 1901, and thereafter a salary of three hundred dollars a year. Said board of relief shall have the same powers and duties which the board of relief of the town of New Haven would have had if this act had not been passed.—Amended by Act of Legislature, March 21, 1901.

Mayor's Power of Removal.

Sec. 213. The mayor may at any time whenever he may believe any person appointed to office by him or any of his predecessors to be incompetent, or unfaithful to the duties of his office, or that the requirements of the public service demand his removal, summon said officer before him at a place and time specified in said summons, to show cause why he should not be removed from said office. With said summons he shall leave with said officer a written statement of the charges against him, and if, after full hearing, he shall find that such officer is incompetent or unfaithful, or that requirements of the public service demand his removal, he may remove such person from his office.

Any such official so removed may appeal from the order of the mayor removing him from said office to the superior court or any judge thereof, which appeal shall be made returnable not more

than six nor less than three days from the date of the order of removal of said mayor, and shall be served upon the mayor, or at his usual place of abode, at least forty-eight hours before the time fixed for a hearing. And said court or judge, having given such further notice as may be deemed necessary to all parties, shall forthwith hear said case, and may approve or revoke the order of said mayor, and may award costs at his discretion. But no such official so removed shall exercise any of the powers of his office during the pendency of his appeal to the superior court.

General Provisions.

Sec. 214. All officers, not hereinbefore mentioned, who would, except for this act, be elected by said town, or be appointed by the selectmen of said town, shall hereafter be chosen and appointed by the court of common council of said city, in so far as said officers are necessary under the laws, except as herein otherwise provided; and they shall have the same powers and be charged with the same duties that would otherwise devolve by law upon such officers in said town.

Sec. 215. The consolidation act of 1897 being adopted by a majority of the votes in accordance with the provisions of section 27 of said act, all property belonging to the town of New Haven prior to the seventh day of December, 1897, shall be and is vested in the corporation of the city of New Haven. Said city shall have full authority and power to collect for its own use all town taxes and all other moneys which may be due to said town and unpaid, when this act goes into effect; and said city is hereby made liable for all debts which, except for this act, might at any time be enforced against said town.

Sec. 216. The aldermen or councilmen representing the thirteenth, fourteenth, and fifteenth wards of said city shall not vote, either as a member of either of said boards, or as a member of a committee of either of said boards, upon any question pending before either of said boards in which their wards have no right or interest until their respective wards shall have come under full jurisdiction of the city in the manner prescribed in section 218 of this act.

Sec. 217. No property in the thirteenth, fourteenth, and fifteenth wards of said city shall receive any service, protection, or improvements from the government of said city except such as were, prior to December, 1897, furnished by the town of New Haven; and none of such property shall be subject to burdens by assessment, taxation, or otherwise, for sidewalks, curbing, sewers, or any other public work which can be properly described by the term "city improvements," except such as might have been laid or enforced by the town of New Haven or by the selectmen of the town of New Haven. None of said property shall be taxed by said city more than four mills on the dollar, exclusive of the school tax; and none of the oyster grounds in New Haven harbor not in state jurisdiction, which have not heretofore been subject to city taxation, shall be taxed more than four mills on the dollar.

The provisions of this section, except those relating to taxation of oyster ground, shall not apply to any ward which may be brought under the full jurisdiction of the city in accordance with the provisions of and in the manner prescribed in section 218 of this act.

SEC. 218. Whenever one hundred electors of said city, residing in any one of the said thirteenth, fourteenth, or fifteenth wards, shall petition the court of common council of said city that the ward in which they reside may be brought under the full jurisdiction of said city, so that the persons and property within said ward may secure from the government of said city the same benefits and be subject to the same obligations as persons and property within the original twelve wards of said city, said court of common council, after due hearing, may fix a day on which all legal voters residing within the limits of said ward may vote upon the question whether they are in favor of or opposed to said petition. And if on said day a majority of the votes cast within said ward shall be found in favor of having said petition granted, said court of common council shall grant the same and make an order that the said ward shall thereafter be and remain under the full jurisdiction of said city, and such order shall have the same force and effect as if it formed a part of this act.

SEC. 219. All powers and duties of the town of New Haven, and all powers and duties of the selectmen of the town of New Haven, not otherwise provided for in this act, shall hereafter devolve upon the city of New Haven, and be exercised and discharged in such manner and by such agents or officials as the court of common council shall order.

SEC. 220. Hereafter no town meeting shall be held in the town of New Haven except for the election of town officers.

SEC. 221. All city ordinances now in force and effect, and all city ordinances hereafter enacted by the court of common council of the city of New Haven, except those controlling the matter specified in section 217, shall be of full force and effect in all the fifteen wards of said city.

SEC. 222. Whenever any vacancy shall occur in any office required by sections 200 to 221 inclusive of this act, before the expiration of the term of such office, said vacancy shall, within thirty days thereafter, be filled for the remainder of the unexpired term by choosing a new officer in the same manner in which the last incumbent of said office was chosen.

SEC. 223. Nothing herein shall be construed to abolish the Westville school district, or the South school district, or the borough of Fair Haven East, or as abridging their respective jurisdictions over all portions of their respective territories until the inhabitants thereof shall have come under the full jurisdiction of the city of New Haven in accordance with the terms and provisions of section 218 of this act.

SEC. 224. All officers of said city in office when this act takes effect shall continue to hold office for the terms for which they were appointed or elected, as the case may be, and are hereby

invested with the powers conferred by this act and the powers and duties conferred upon them by the general laws of this state not inconsistent with the provisions of this act.

Sec. 225. The court of common council of the city of New Haven shall appoint agents of the town deposit fund of New Haven, who shall perform all duties and have all the powers conferred upon agents of town deposit funds appointed by towns.

Sec. 226. This act shall be a public act, and all acts or parts of acts, public or private, inconsistent herewith are hereby repealed so far as the effect upon this act is concerned; but no acts hitherto repealed shall be revived by such repeal.

This act shall not repeal any provisions in the resolutions of the general assembly approved July 1, 1895, concerning street pavements and bonds, and amendments thereto, or the act concerning the establishment of a public hospital for contagious diseases, approved June 28, 1893.

No rights, privileges, or immunities vested in said city or in any person against said city shall be deemed to be impaired by such repeal, and all actions brought against said city or prosecutions for the breach of any ordinance or by-law, shall be proceeded with as though this act had not been passed. All offenses committed or penalties incurred shall be prosecuted as though this act had not been passed. Said repeal shall not affect any act done or right allowed unless by law otherwise provided.

All lawful city ordinances and any regulations or by-laws of said city in force and not inconsistent herewith are hereby continued in effect until the same shall be duly amended by competent authorities; *provided*, that all such ordinances, regulations, and by-laws shall be deemed to be and hereby are amended, as as to confer upon the proper officers and boards the power and authority and duties that are hereby conferred or imposed upon them.

Sec. 227. This act shall take effect July 2, 1899.

Approved, June 20, 1899.

APPENDIX.

APPENDIX.

SPECIAL ACTS

RELATING TO

New Haven and New Haven Harbor.

An Act to Establish a Board of Harbor Commissioners for New Haven Harbor.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. The governor, with the advice and consent of the senate, shall before the first day of July next, appoint five competent persons, resident in the city of New Haven, or in the town of East Haven, who shall constitute a board of harbor commissioners for New Haven harbor, and who shall hold their offices from the dates of their respective appointments, and for the terms of one, two, three, four, and five years, respectively, from the first day of July next, the term of each to be designated at the time of his appointment. The governor shall, in like manner, before the first day of July in every year after this year, appoint a commissioner to continue in office for the term of five years from said day; and in case of any vacancy occurring in the board, by resignation, or otherwise, shall, in the same manner, appoint a commissioner for the residue of the term, and may in the same manner remove a commissioner; *provided*, that in case of a vacancy occurring when the general assembly is not in session, the governor alone shall have power to fill such vacancy, but the commissioner so appointed shall hold office only until the next session of the general assembly, and until his successor is appointed, unless confirmed by the senate.

Sec 2. Said board of harbor commissioners shall have the general care and supervision of New Haven harbor and its tide-waters, and of all the flats and lands flowed thereby, in order to prevent and remove unauthorized encroachments and causes of every kind which are liable to interfere with the full navigation of said harbor, or in any way injure its channels, or cause any reduction of its tide-waters. They may, from time to time, make such

surveys, examinations, and observations as they may deem necessary, in said harbor, for said purpose, and employ for these purposes competent engineers, and also employ such clerical and other assistance as they may think necessary. They shall have an office in the city of New Haven, where the maps, charts, and plans connected with said harbor, records of all their doings, and all documents relating to their business shall be kept.

Sec. 3. Whenever, in the judgment of said board of harbor commissioners the public good requires, they may proceed to prescribe harbor lines in said harbor, beyond which no wharf, pier, or other structure shall be extended into said harbor, and shall report the same for the consideration of the general assembly at its next session: *provided, however*, that said commissioners, before drawing any such line, shall appoint a convenient time and place for the hearing of all persons interested, and shall give notice thereof by publication two weeks successively in two or more newspapers published in the city of New Haven, the first publication to be at least twenty days before the time of hearing.

Sec. 4. All persons whatsoever contemplating the building over said harbor and tide-waters, any bridge, wharf, pier or dam, or the filling any flats, or the driving any piles below high water mark, shall, before beginning it, give written notice to said commissioners of the work they intend to do, and submit plans of any proposed wharf or other structure, and of the flats to be filled, and of the mode in which the work is to be performed; and no such work shall be commenced until the plan and mode of performing the same shall be approved in writing by a majority of said commissioners. And the said commissioners shall have power to alter the said plans at their discretion, and to prescribe the direction, limits, and mode of building the wharves and other structures, and all such works shall be executed under the supervision of said commissioners.

Sec. 5. The amount of tide-water displaced by any structure or filling of flats hereafter authorized as aforesaid, shall be ascertained by said commissioners, and they shall, in all cases affecting said New Haven harbor, if they shall deem it necessary, require the parties making the same to make compensation therefor, either by excavating in some part of said harbor, including tide-water channels between high and low water mark, to such an extent as to create a basin for as much tide-water as may be displaced by such structure or filling of flats, and the same shall be done under the direction of said commissioners, or by paying in lieu of performing the work of dredging to restore the displaced tide-water a sufficient sum of money for making such compensation, or by improving the harbor in any other mode to the satisfaction of said commissioners; and all money thus paid shall be paid into the treasury of the city of New Haven, and be reserved as a compensation fund for said harbor, and used for that purpose under the direction of said commissioners: *provided*, that all dredging made for purposes of such compensation for displaced tide-water shall in no wise injure any existing channels, but as far as practicable shall be directed toward their permanent improvement.

Sec. 6. Any erection or work hereafter made in any manner not sanctioned by said commissioners, where their direction is required, as hereinbefore provided, within tide-waters flowing into or through said harbor shall be deemed, and is hereby declared to be, a public nuisance. Said commissioners shall have power to order suits in the name of the state to prevent or stop, by injunction or otherwise, any such erection, or other nuisance in the tide-waters flowing into or through said harbor, and such suits shall be conducted by and at the expense of the city of New Haven.

Sec. 7. Said commissioners are authorized and empowered, whenever they deem it necessary, to apply to Congress for appropriations for protecting and improving said harbor.

Sec. 8. All expenses incurred by said commissioners shall be paid by the city of New Haven in the same manner as is now provided in the charter of said city for the payment of other claims and accounts, but no contracts shall be made, and no acts done by said commissioners which involve the payment of any money from the treasury of said city, except as herein provided, without an appropriation expressly made for that purpose by the court of common council of said city.

Sec. 9. For the purposes of this act New Haven harbor shall be held to include all those lands over which the tide ebbs and flows, lying northerly of a line drawn from the southerly limit of Oyster River Point, upon the westerly side of said harbor, as laid down upon the chart of said harbor, published in the year 1846, by the United States coast survey, thence easterly to Ludington Rock, so-called, and thence to the point called South End, upon the easterly side of said harbor, as laid down upon said map: *provided*, that the provisions contained in the fourth and fifth sections of this act shall not apply to that portion of said harbor lying southerly of a line drawn from a point two hundred feet southerly from Oyster Point, so-called, thence easterly across said harbor to the signal station of the United States coast survey upon Crane's Bar, so-called: and *provided further*, that the provisions contained in said sections shall not apply to any wharf already commenced upon the easterly side of said harbor, between said Crane's Bar and the easterly abutment of Tomlinson's bridge, so-called.

Sec. 10. Nothing contained in any of the provisions of this act shall be construed to authorize or empower said commissioners to grant or convey to any person or persons any right or title in or to any of the tide-water flats of said harbor.

Sec. 11. This act shall take effect from its passage.

Approved, June 27, 1872.

State vs. Sargent & Co., 45 Conn., 358.

AN ACT PROVIDING THAT ONE MEMBER OF THE BOARD OF HARBOR COMMISSIONERS FOR NEW HAVEN HARBOR SHALL RESIDE IN WEST HAVEN, AND INCREASING THE NUMBER TO SIX, ETC.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. Section first of chapter sixty-first of the Special Acts and Resolutions of the General Assembly, May Session, 1872, being an act entitled "An Act to establish a Board of Harbor Commissioners for New Haven Harbor," is hereby amended so that the number of harbor commissioners for New Haven harbor shall consist of six, one of whom shall always be a resident of the borough of West Haven, in the town of Orange, and shall be appointed, and his place, in case of vacancy for any cause, or at the expiration of his term of office, filled as provided in said act; said sixth commissioner shall be first appointed at this general assembly, and shall hold his office for five years, from the first day of July, A. D. 1874.

SEC. 2. Sections fourth and fifth of said act are hereby made applicable to that part of New Haven harbor, as defined in said act, which is known as West Haven harbor.

SEC. 3. Provided, however, that all the expense of removing unauthorized encroachments and causes of every kind, which are liable to interfere with the full navigation of said West Haven harbor, or in any way injure its channels, or cause any reduction of its tide-waters, shall be paid only by "The warden, burgesses, and freemen of the borough of West Haven," which corporation is hereby authorized to pay such expenses: *provided*, that at a legally warned meeting of the freemen of said borough, held for that purpose, said borough shall decide to pay such expense.

SEC. 4. This act shall take effect from its passage.

Approved, July 17, 1874.

ABSTRACTS FROM GENERAL STATUTES RELATING TO NEW HAVEN HARBOR.

SEC. 3243. No wharf, pier, or other structure, shall be extended into or over tide-water beyond the line hereinafter defined in that portion of New Haven harbor hereinafter described lying between Tomlinson's bridge, so-called, and Long wharf, so-called; the line starts from a point which is the intersection of the southerly face of the wing wall of the westerly abutment of Tomlinson's bridge, with the easterly face of the steamboat company's wharf, and runs westerly to a point on the easterly side of Long wharf, distance fourteen hundred and ninety feet from the intersection of said easterly side of Long wharf with the southerly face of Basin wharf, so-called. Said harbor line is a curved line passing through the following described points, viz: a point on the westerly side of the New York, New Haven and Hartford Railroad Company's coal wharf, distant nine hundred and forty feet from the southerly

line of East Water street, measured on the line of the easterly side of said coal wharf; also through a point on the center line of the East street outlet sewer, distant eleven hundred feet from the southerly line of East Water street, measured on the center line of said sewer; also through a point distant twelve hundred and sixty-five feet from the southerly line of East Water street, measured on a line at right angles to East Water street, from the northwesterly corner of East Water and Wallace streets; also through a point distant fourteen hundred and twenty feet from the southerly line of East Water street, measured on a line at right angles to East Water street, from the northeasterly corner of East Water and Hamilton streets; also through a point distant sixteen hundred and ninety-five feet from the southerly line of East Water street, measured on a line at right angles to East Water street, from the northeasterly corner of East Water and Franklin streets; also through a point on the easterly side of the New Haven and Northampton Company's wharf, and distant fifteen hundred and seventy-five feet from the intersection of the easterly line of said wharf, with the southerly face of Basin wharf, so-called. Said harbor line is more fully shown, as a broken black line on a map of the "Upper New Haven Harbor," dated 1872, and on file in the office of the board of harbor commissioners for New Haven harbor, said map also forming part of this layout.

Sec. 3244. Nothing contained in the preceding section shall be construed to give authority to any person to extend or construct a wharf, pier, or other structure in New Haven harbor between said Tomlinson's bridge and said Long wharf.

Sec. 3245. Any party who shall feel aggrieved by any act of the board of harbor commissioners for New Haven harbor in reference to the building over said harbor and the tide-waters thereof, any bridge, wharf, pier, or dam, or the filling any flats or driving any piles below high-water mark, or in reference to the making of compensation for the displacement of the tide-water of said harbor, may make written application for relief to the superior court to be held in and for New Haven county at its session next after the doing of the act by which he claims to be aggrieved; *provided*, that he shall give notice to said board of harbor commissioners of his said application, by causing a copy of said application to be left with the clerk of said board of harbor commissioners, or at his usual place of abode, before the commencement of said session of said superior court, and within thirty days after the doing of the act by which he claims to be aggrieved. Said superior court may, by committee or otherwise, inquire into the allegations of such application duly made as aforesaid, and may confirm, annul, or modify the action of said board of harbor commissioners, or make such order in the premises as equity may require, and may award costs to either or neither party at its discretion.

Sec. 3246. Every person who shall deposit or assist in depositing any substance except oyster shells in New Haven harbor, or off its mouth within two miles of Southwest Ledge lighthouse, or

in Bridgeport harbor or off its mouth within three hundred feet outside of the outer bar, so-called, or in the waters adjacent to said harbor below Yellow and Old Mill bridges, or in Stamford harbor, or off its mouth inside of a direct line drawn from Captain's Island Light, off Greenwich, to the buoy on Old Cow Reef off Shippan Point, shall be fined not less than fifty nor more than five hundred dollars, or imprisoned not more than six months, or both; but this section shall not prevent the owners of land adjacent to said harbors from building wharves therein.

Sec. 3247. The city court of New Haven, and any justice of the peace in the towns of New Haven and East Haven, shall have cognizance of all complaints for violations of the preceding section in New Haven harbor or vicinity, and the city court of Bridgeport and any justice of the peace in the towns of Bridgeport and Stratford shall have cognizance of all complaints for violations thereof in Bridgeport harbor, and any justice of the peace or the borough court in the town of Stamford shall have cognizance of all complaints for violations thereof in Stamford harbor.

An Act establishing Harbor Lines in New Haven Harbor.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 1. No wharf, pier, or other structure shall be extended into or over tide-water in those portions of New Haven harbor hereinafter described beyond the lines hereinafter defined, viz.: Commencing at a point in the harbor line established in 1878, four hundred feet perpendicularly distant easterly from the easterly face of Canal wharf, so-called; thence running northwesterly, parallel with the easterly face of said Canal wharf, about sixteen hundred and fifty-four feet, to the southerly line of Brewery street; thence running southwesterly along the southerly line of Brewery street, about four hundred and fourteen feet, to the easterly face of said Canal wharf, so-called; thence southeasterly along the face of said Canal wharf, fifteen hundred and fifty-one feet, to its intersection with said harbor line established in 1878.

Sec. 2. Nothing contained in this act shall be construed to give authority to any person or persons to extend or construct a wharf, pier, or other structure in those portions of New Haven harbor above described.

Sec. 3. This act shall take effect from its passage, and shall not affect any suit now pending.

Approved, April 30, 1895.

An Act concerning the Placing of Obstructions in Harbors.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Whenever any person shall place any obstruction or erect any structure in New Haven harbor, within the jurisdiction of the board of harbor commissioners for New Haven harbor, in this

state, contrary to the order or without the consent of the board of harbor commissioners for New Haven harbor, said board may order such person to remove such obstruction or structure, and in case he shall fail to do so within such time as said board shall fix, said board may remove the same and collect the expense of such removal from the person responsible for such obstruction or structure; but the right of appeal given in section 3245 of the general statutes shall apply to and stay any order made by said board under the provisions of this act.

Approved, April 22, 1897.

An Act giving City of New Haven Authority to Establish Public Wharves.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 1. The court of common council of the city of New Haven shall have authority to make, alter, and repeal ordinances to provide for laying out, grading, discontinuing, altering, establishing, and making public wharves, public landing places, and public slips, below high-water mark within the limits of the city of New Haven, and to provide for the protection of all sewers and sewer outlets which are or may be constructed below high-water mark within the limits of said city; and for the aforesaid purposes, said court of common council is hereby authorized and empowered to extend any highway or highways within said city upon or across the flats of New Haven harbor, subject to the approval of the board of harbor commissioners for New Haven harbor, whenever and in whatever direction, in the opinion of said court of common council, the public good may require.

Sec. 2. The board of public works of the said city shall have the same powers and duties in respect to the layout, construction, management, and control of such extension of highways as it now has in respect to existing highways within the limits of said city.

Sec. 3. Said city may take and occupy so much of the flats of New Haven harbor lying below high-water mark as may be necessary for the purposes aforesaid, in the same manner as is now provided in the charter of said city, for taking land for a highway, and, in all such cases, damages and benefits may be assessed in the same manner and upon the same notices as is now provided in said charter for such assessments in the case of land taken for a highway.

Sec. 4. This act shall take effect from its passage.

Approved, June 13, 1895.

AN ACT AUTHORIZING THE CITY OF NEW HAVEN TO ESTABLISH AND MAINTAIN A HOSPITAL FOR CONTAGIOUS DISEASES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. The city of New Haven is hereby authorized to establish, provide, and maintain for said city a public hospital for the reception and treatment of patients suffering from contagious and infectious diseases, except small-pox and typhus fever, who, in the opinion of the board of health of said city, should be admitted to said hospital. Said hospital shall be known as the city hospital.

SEC. 2. Said city is authorized for such purpose to procure, by purchase or lease, lands necessary for said hospital within the limits of the town of New Haven, and to construct thereon a suitable building.

SEC. 3. Said city is authorized to appropriate not to exceed $50,000, for such lands and buildings, and to appropriate annually such sums as may be necessary for the maintenance thereof.

SEC. 4. Said hospital shall be under the charge of the board of health of said city, and subject to the rules established by said board and the by-laws of the city of New Haven.

SEC. 5. Said city is authorized, if it deem it proper, to contract with any existing institution for the care and attendance of such patients, such contract to run for not exceeding ten years, and may be renewed thereafter.

SEC. 6. The court of common council of the city of New Haven is hereby authorized and empowered, by the concurrent vote of a majority of the members of each branch of said court, subject to the approval or disapproval of the mayor of said city, as provided in the charter of said city, to issue under the corporate name and seal and upon the credit of said city negotiable bonds or other negotiable certificates of indebtedness to an amount not exceeding $50,000, which bonds shall be denominated hospital bonds of the city of New Haven; and the same, or the avails thereof when sold, as hereinafter authorized, may be appropriated by said court of common council to the payment of any expenses incurred by said city in purchasing, building, or providing lands or buildings for said hospital. Said bonds or certificates may be issued in such sums, and shall be prepared, signed, and authenticated in such manner as the court of common council may determine. Said bonds or certificates shall be of such denomination as shall be determined by said common council, and shall be payable at such time as they shall provide, not later than twenty years from the date of issue, and shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, and may be sold from time to time under the direction of the mayor and board of aldermen of said city; and said bonds or certificates, when issued as aforesaid shall be obligatory upon the city of New Haven to all intents and purposes, and may be enforced and collected in the same manner and to the same extent that debts contracted by

municipal corporations in this state are enforced. Said bonds or certificates shall also be exempt from taxation.

Approved, June 28, 1893.

An Act Authorizing the City of New Haven to Issue Bridge Bonds.

Resolved by this Assembly:

Sec. 1. That the city of New Haven be, and the same hereby is, authorized and empowered to issue under the corporate name and seal, and upon the credit of said city, bonds or other certificates of debt to an amount not exceeding in the whole the par value of one hundred thousand dollars, which bonds shall be denominated bridge bonds of the city of New Haven, and the same or the avails thereof when sold may be appropriated by said city, by the vote of its court of common council, to the payment of any expenses incurred by said city in the construction of new bridges, and for no other purposes.

Sec. 2. Said bonds may be issued in such sums, and shall be prepared, signed, and authenticated in such manner as said city by its court of common council may determine; shall be made payable not more than twenty years from the date of their issue; shall bear interest at the rate of not exceeding four per centum per annum, payable semi-annually; and may be sold from time to time under the direction of the mayor and aldermen of said city; and said bonds or certificates, when issued as aforesaid, shall be obligatory upon the city of New Haven to all intents and purposes, and may be enforced and collected in the same manner and to the same extent that debts contracted by municipal corporations in this state are enforced.

Approved, July 1, 1895.

An Act Authorizing the City of New Haven to Issue Street Pavement Bonds.

Resolved by this Assembly:

Sec. 1. That the court of common council of the city of New Haven be and it is hereby authorized and empowered, by a concurrent vote of a majority of the members of each branch of said court, present and absent, subject to the approval or disapproval of the mayor of said city, as provided in the charter of the city, to issue, under the corporate name and seal and upon the credit of the city of New Haven, bonds or other certificates of debt, which bonds shall be denominated street pavement bonds of the city of New Haven; the amount of said pavement bonds issued under this act shall not exceed five hundred thousand dollars, and the same, or the avails thereof, when sold as hereinafter authorized, shall be appropriated by said court of common council to the payment of any expense incurred by said city, in the original construction in said city of new and so-called permanent pavements; but no por-

tion of said bonds or avails shall be used for any other purpose whatsoever. Any avails of the sale of said bonds may be temporarily borrowed by the city, as provided in section eighty-seven of city ordinances, for the purpose of meeting current expenses of the city; *provided*, said temporary loans shall not in any way interfere with the use of said funds for the purpose of permanent pavements, nor shall any loan be made from said funds for a period of more than four current months. Of the bonds issued at any time by said city one-quarter shall be payable five years from date, one-quarter ten years from date, one-quarter fifteen years from date, and one-quarter twenty years from date. Said bonds shall be prepared, signed, and authenticated in such manner as the said court of common council may determine, and they shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, and may be sold from time to time under the direction of the mayor and board of finance of said city. And said bonds or certificates, when issued as aforesaid, shall be obligatory upon the said city of New Haven to all intents and purposes, and may be enforced and collected in the same manner and to the same extent that debts contracted by municipal corporations in this state are enforced.

Sec. 2. All pavements laid by authority of this act shall be laid upon the credit of said city, and under the direction and control of its common council, and said city shall have power to collect a part of the costs of such pavements from the persons and parties, and in the manner hereinafter provided, to wit: On all streets or parts of streets upon which abutting land owners have never paid the city any assessment for a pavement, such land owners on each side of such streets, or parts of streets, shall be assessed and shall severally pay to the city the cost of one square yard of such pavement as shall be laid for every foot of such abutting land. On all streets or parts of streets upon which abutting land owners have paid to the city assessments for pavements heretofore laid, such land owners on each side of such streets or parts of streets shall be assessed and shall severally pay to the city the cost of three and one-half square feet of such pavement as shall be laid for every front foot of abutting land, and all public abutting land shall be assessed at the same rate as like private abutting land, hereinbefore described. On all streets occupied by the track, or tracks, of any railway company, or companies, said company or companies shall be assessed and shall severally pay to the city the cost of paving and repaving the full length, and nine feet wide for each and every line of track of such railway or railways, now existing, or that may hereafter be laid in any street of said city. All such assessments on the hereinbefore described abutting land owners and railway companies shall be payable at such time or times as may be determined by the court of common council. All the cost of such pavements, as may be laid under the provisions of this act, above the costs collectible from the abutting land owners and the railway companies, as hereinbefore provided, shall be paid by the city, which shall have and own all materials removed when old pave-

ments are reconstructed or repaired, and all collections from said abutting land owners, said railways, all the premiums on said bonds and the proceeds of the sale of such old materials, shall be added to the proceeds of the sale of said bonds to be used exclusively for the construction of said permanent pavements.

Approved, July 1, 1895.

Extending the Power of the City of New Haven under the Resolution approved July 1, 1895, Authorizing the City of New Haven to Issue Street Pavement Bonds.

Resolved by this Assembly:

Sec. 1. That the city of New Haven is hereby authorized and empowered to expend the proceeds of the street pavement bonds authorized by the resolution of this assembly, approved July 1, 1895, in payment of all sums of money due under any contract entered into by said city for the construction of new and so-called permanent pavements, although said contracts shall include a clause by the party contracting to build said pavements, to keep the same in repair for any period of years not exceeding fifteen.

Sec. 2. In estimating the cost of each square yard to be assessed against the persons and railroad companies mentioned in section two of said resolution, the entire cost of laying the pavement, and the agreement to keep said pavement in repair for a period not exceeding fifteen years, shall be considered.

Approved, March 24, 1897.

An Act Authorizing the City Court of New Haven to Appoint Interpreters.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

The city court of New Haven may appoint interpreters whose duty shall be to interpret testimony when found necessary, and who shall receive a reasonable compensation to be fixed by said court.

Approved, July 9, 1895.

An Act Providing for a Stenographer for the City Court of New Haven.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 1. The city court of New Haven is hereby authorized and empowered through its presiding judge, in every civil action pending before it, to appoint or call in some suitable and competent stenographer to take the evidence in any civil action pending before it, and such stenographer so appointed or called in by the

presiding judge shall have all the powers of and the evidence taken by such stenographer shall have the same effect, and be evidence to the same extent, as evidence taken by the official stenographer of the superior court.

Sec. 2. The compensation of such stenographer shall not exceed ten dollars per diem, and for fractions of days at the same ratio; and the compensation for making copies shall not be higher than that fixed by law for copies made by the official stenographer of the superior court.

Sec. 3. The expenses of said stenographer shall be paid in the same manner as the other court expenses of maintaining and carrying on the business of said court.

Sec. 4. This act shall take effect from its passage, and shall affect pending actions.

Approved, February 25, 1897.

Authorizing the New Haven City School District to Issue Bonds.

Resolved by this Assembly:

Sec. 1. That the board of education of the New Haven city school district be and it hereby is authorized and empowered, from time to time, as said district at any legal meeting may have provided, to issue coupon or registered bonds in the name and upon the credit of said district, to an amount not to exceed five hundred thousand dollars, bearing interest at a rate not exceeding four per centum per annum, and payable at such times as said board may determine, but not more than fifty years from the date of issue, and authenticated in such manner as said board of education may direct. Said bonds shall be issued and their proceeds used only for the purpose of paying the existing indebtedness of said district at the time of said issue, and for the purpose of erecting, furnishing, and equipping a new high-school building, under authority from said district; *provided, however*, that none of said bonds shall be sold at any time at less than their par value.

Sec. 2. In the event of the consolidation of the New Haven city school district with the city of New Haven, the authority hereinbefore given is hereby conferred upon the board of education of the city of New Haven; said bonds to be issued in the name and upon the credit of said city in such manner as may be provided by law for the execution and authentication of bonds issued by and in behalf of said city, and said bonds shall be issued only for the purposes aforesaid. The board of finance of said city shall provide for the payment of principal and interest of said bonds, in the same manner provided by law for the payment of other obligations of said district.

Approved, March 23, 1897.

Authorizing the City of New Haven to Issue Bridge Bonds.

Resolved by this Assembly:

Sec. 1. That the city of New Haven be and hereby is authorized and empowered to issue, under the corporate name and seal and upon the credit of said city, bonds or other certificates of debt to an amount not exceeding in the whole two hundred and ninety thousand dollars, which bonds shall be denominated bridge bonds of the city of New Haven, and the same or the avails thereof, when sold, may be appropriated by said city, by the vote of its court of common council, to the payment of any expenses incurred by said city in the construction of bridges and the approaches thereto, and for no other purposes.

Sec. 2. Said bonds may be issued in such sums, and shall be prepared, signed, and authenticated in such manner, as said city by its court of common council may determine; shall be made payable not more than twenty years from the date of their issue; shall bear interest at the rate of not exceeding four per centum per annum, payable semi-annually; and may be sold from time to time under the direction of the mayor and aldermen of said city; and said bonds or certificates, when issued as aforesaid, shall be obligatory upon the city of New Haven to all intents and purposes, and may be enforced and collected in the same manner and to the same extent that debts contracted by municipal corporations in this state are enforced.

Sec. 3. None of the bonds issued by the city of New Haven under the authority of this resolution shall be sold below par.

Approved, March 24, 1897.

An Act Relating to a Bridge over West River in the Town of Orange.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 1. Whenever the United States government, for the benefit of commerce, shall order a new bridge over the main channel of West river, at Kimberly avenue, in the town of Orange, whether the same be a raised, draw or lift bridge, or such changes to be made in the existing bridge on said avenue as shall require the construction of a new bridge, one-half the cost of such bridge, of its construction and approaches, and of its maintenance, shall be borne by the city of New Haven, and the other half by the town of Orange; and if a draw or lift bridge is ordered, the cost of its operation shall also be borne equally by the city of New Haven and the town of Orange.

Sec. 2. Whenever the order or orders contemplated in section one of this act shall be made by the government of the United States, the division line between the city of New Haven and the town of Orange, between the points hereinafter mentioned, shall

thereafter be as follows: commencing at a point in the center of West river where the tracks of the New York, New Haven and Hartford Railroad Company cross the same, thence extending southerly along the center of the main channel of said West river until it is intersected by a line running from a point of the beach in New Haven harbor north eighty degrees west.

SEC. 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved, June 12, 1897.

PROVIDING FOR DRAINAGE IN THE TOWN OF NEW HAVEN.

SEC. 1. The town of New Haven, acting by and through the board of selectmen thereof, is authorized and empowered within the limits of said town to take, acquire, appropriate, and hold for the purposes of drainage and sewerage, and to protect and preserve the public health, at such times and in such manner as the public health in the opinion of said board of selectmen may require, real and personal property, and any and all streams and water-courses, natural and artificial, or any portion thereof, and any rights connected therewith, may also raise, fill up, and drain low grounds, may deepen, clear out, alter and straighten said streams and water-courses, remove therefrom, and from the bounds thereof, all buildings, walls, dams, and obstructions of all kinds, construct and maintain sewers and other channels for the flow of water, maintain and establish the bounds of said water courses, streams, sewers and channels, within which it shall not be lawful for any person to place or continue any building, wall, dam, or other obstruction, without a written license from said board of selectmen.

SEC. 2. Said selectmen, with their agents, may enter upon any lands to make preliminary surveys and measurements to carry into effect the provisions of this act.

SEC. 3. Before taking any property or rights under this act, said selectmen shall cause to be made a survey and map containing a description, so far as practicable, of the lands, streams and water-courses, and rights to be taken and appropriated, and shall cause reasonable notice to be given to all known owners of land, streams, or rights proposed to be taken, to appear before said board, at such time and place as shall be designated in said notice, and show cause, if any they have, why such lands, streams, water-courses, or rights should not be taken and appropriated. Such notice shall be written or printed, signed by at least a majority of the board of selectmen, and a copy thereof left by any person, at least six days before the day appointed for the hearing, with or at the usual place of abode, if within the town of New Haven, of such owner, shall be sufficient notice to such owner.

Any judge of the supreme court of errors or superior court, or court of common pleas may, by his order of notice, direct what notice shall be given to owners who reside out of said town of New Haven, and notice given pursuant to such order of notice shall be sufficient. Said board of selectmen shall meet at the time

and place specified in said notice, and may adjourn from time to time, and to such place as may to them seem best, and said board shall hear all parties in interest who may appear before them to object to the proposed action. And said board of selectmen may alter and vary their proposed action, taking more or less land, property, and rights, as may to them seem best, and immediately after such hearing shall have been completed, said selectmen shall cause said survey and map embracing any such alterations as may have been determined upon to be filed in the office of the town clerk of New Haven, and thereupon such lands, property, streams, water-courses, and rights shall be deemed to be taken and appropriated for public use, and said board of selectmen may thereupon proceed to occupy said lands, property, streams and water-courses.

Sec. 4. The special benefits accruing to any person whose property is specially benefited by reason of any act done or improvement made under this act shall be payable by such person to said town, and all damages done shall be paid by said town. If said board of selectmen do not agree with the parties interested as to the benefits to be assessed on account of any act done or improvement made under this act, any judge of the supreme court of errors or superior court shall, on application of said selectmen or of any person interested, or whose property or rights are taken, after causing such notice of the pendency of such application as he shall deem just and reasonable, appoint three judicious and disinterested freeholders of the county of New Haven, to estimate the damages and benefits resulting from said acts or improvements, and said committee having been duly sworn and having given notice of the time and place of their meeting for the purpose aforesaid, by publishing the same not less than twice in a newspaper published in the town of New Haven, and by giving notice to all known owners, residing in the state of Connecticut, of lands or rights to be taken and appropriated, by causing a copy of a notice signed by a majority of said committee, of the time, and place and purpose of said meeting, to be left with or at the last usual place of abode of such owner, at least six days before the time appointed for such hearing, shall meet at the time and place designated, and adjourn from time to time, and having heard all parties in interest who shall appear, shall determine what parties will be damaged by said acts and improvements, in excess of special benefits, and the amount thereof, also what parties owning or interested in lands, easements, or rights within a reasonable distance of said improvements, or where such acts are done, will receive special benefit over all damage, and the amount thereof, and also what parties, if any, will receive an equal amount of damage and benefit; said committee shall report in writing, to the superior court of New Haven county, on the first Tuesday of the month, except July and August, next succeeding the day of their last meeting herein provided for, and said court may confirm, correct by re-assessment or otherwise, or set aside said report, as he may deem just, in which latter case said committee, or a new one to be then appointed by said court, shall proceed as before, and

said report being finally accepted by said court, all corrections determined upon by said court having been made, said proceedings and report shall be recorded by the clerk of said court, and the award of damages and benefits therein contained shall be final; and said original papers shall be kept by said clerk among the files and records of said court, and execution shall be issued in favor of each person entitled thereto for such damages so awarded to him.

Sec. 5. Such assessments of benefits shall not be limited to the amount of damages assessed, and shall be and remain a lien upon the land or other property specially benefited as assessed; *provided*, that such lien shall not remain for a longer period than sixty days after such report has been accepted by said court, unless the said board of selectmen shall file with the town clerk of said town within sixty days a certificate signed by a majority of said selectmen, describing the property on which the lien exists, and the amount claimed as a lien thereon.

Sec. 6. All amounts due said town under this act shall be collected by the tax collector, he having received a proper warrant therefor under the hands of said selectmen, in the same manner as taxes due said town are collected.

Sec. 7. If no person can be found to receive the amount of damages assessed, or if any person refuse to receive the amount assessed to him as damages, such sums shall be deposited with the town treasurer to the credit of the person entitled thereto.

Sec. 8. No act shall be done pursuant to this act within the limits of the city of New Haven, without the written consent of the board of road commissioners, or by virtue of a resolution of the board of aldermen of said city; and said selectmen shall erect and maintain dams and flood-gates if required by the board of health of said city, and operate the same as may be directed from time to time by said board, and shall cause the sewerage and drainage herein provided for to be done and performed under the supervision of said board of health, and shall cause such filling and other things and acts to be done as in the opinion of said board of health may be necessary to promote, protect, and preserve the public health.

Sec. 9. The action of a majority of the members of said board of selectmen or of said committee shall in all cases be deemed the action of the whole board or committee, as fully as if every member thereof were present and participated in such action, and no member of said committee, in this act provided, shall be disqualified or be deemed interested by reason of his being a taxpayer of said town or city of New Haven, or residing therein.

Sec. 10. This act shall be a public act and shall take effect from its passage.

Approved, April 14, 1881.

[Substitute for Senate Bill No. 16.]

[36.]

AN ACT

Amending an Act Concerning Permanent Pavements in the City of New Haven.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section two of the act concerning permanent pavements in the city of New Haven, approved April 28, 1899, is hereby amended by inserting, after the word "named" and before the word "be" in the thirteenth line of said section, the words "except crushed stone," so that said section as amended shall read as follows: Benefits and damages shall be laid under the control of the court of common council and assessed by the bureau of compensation of the city, as provided in the charter of said city, for or against all owners of property abutting upon or adjoining the streets on which such pavements are constructed; which assessment for such benefits shall not exceed per lineal foot of frontage seventy-five cents for dimension granite block pavement, sixty cents for asphalt pavement, fifty cents for vitrified brick pavement, and twenty cents for crushed stone pavement, if said bureau shall find that the property is benefited to at least that amount; *provided, however*, that no assessment shall be laid unless the grauite block, asphalt, and vitrified brick pavements shall each be provided with not less than four inches in thickness of concrete cement foundation, and that all the pavements named, except crushed stone, be provided with vitrified brick gutters.

Approved, March 21, 1901.

[House Bill No. 90]

[133.]

AN ACT

To Provide Funds for the Maintenance of the Public Parks in the City of New Haven.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. The court of common council and the board of finance of the city of New Haven may annually assess upon the grand list one-fifth of one mill on the dollar for the maintenance and improvement of the public parks in the city of New Haven.

Sec. 2. The receipts from the assessment provided for in section

one of this act shall be expended under the direction of the New Haven commission of public parks, for improvements made upon the public parks of said city.

Sec. 3. Not more than six thousand dollars of said receipts shall be expended in any one year upon any one park in said city.

Sec. 4. The board of finance of said city may appropriate from any balance in the treasury of said city, not otherwise appropriated, the sum of seven thousand dollars for the purchase of land for park purposes, and the improvement of the public parks in said city by and under the control and management of the New Haven commission of public parks during the year ending December 31, 1901.

Sec 5. All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 6. This act shall take effect from its passage.

Approved, April 16, 1901.

[Substitute for House Bill No. 467.]

[136.]

AN ACT

Establishing a Paving Commission in the City of New Haven.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. There shall be in the city of New Haven a commission on permament pavements, consisting of one alderman, who shall be elected by the board of aldermen in the month of June in each year, one councilman, who shall be elected by the board of councilmen in the month of June in each year, and three other citizens of New Haven to be appointed by the mayor during the month of June, 1901, none of whom shall hold any other office in the government of said city or be interested in the business of furnishing paving material or of laying pavements; one of the citizens to be named by the mayor shall be appointed for a term of three years, one for a term of two years, and one for a term of one year from the first day of July, 1901. During each month of June thereafter the mayor shall appoint one member of said commission who shall hold office for a term of three years from the first day of July next succeeding his appointment. The members of said commission shall serve without pay.

Sec. 2. Said commission may, if it deem necessary, and subject to the approval of the board of finance, employ a clerk at a salary not exceeding five hundred dollars per annum, and incur any other expense subject to the approval of said board of finance, which expense shall be paid by the city of New Haven. Said

commission shall submit an estimate of its expenses annually to the board of finance, on or before the tenth day of October in each year.

Sec. 3. The court of common council shall order upon what streets a permanent pavement shall be laid.

Sec. 4. Said commission shall determine what kind of a permanent pavement shall be laid upon the streets so ordered by the board of common council, and they shall make contracts therefor, in the manner prescribed by the city charter and ordinances, and do all things necessary to the proper construction of the same.

Sec. 5. The construction of said permanent pavements shall be superintended by the city engineer, and he shall prepare plans and specifications, appoint such inspectors as he may deem necessary, with the approval of said commission, and perform such other services as the commission may direct.

Sec. 6. All permanent pavements ordered by the court of common council, but not contracted for at the time that the said commission is appointed, shall come under the jurisdiction of this act.

Sec. 7. Assessments for the expense of laying such pavements shall be made as provided by the city charter and ordinances.

Sec. 8. All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 9. This act shall take effect from its passage.

Approved, April 17, 1901.

[Senate Bill No. 110.]

[527.]

AN ACT

Amending An Act Establishing a Paving Commission in the City of New Haven.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section one of an act establishing a paving commission in the city of New Haven, approved April 17, 1901, is hereby amended to read as follows: There shall be in the city of New Haven a commission on permanent pavements consisting of five citizens of New Haven, to be appointed by the mayor during the month of June, 1901, none of whom shall hold any other office in the government of said city or be interested in the business of furnishing paving material or of laying pavements; one of the citizens to be named by the mayor shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year from the first day of July, 1901. During each month of June thereafter the

mayor shall appoint one member of said commission who shall hold office for a term of five years from the first day of July next succeeding his appointment. The members of said commission shall serve without pay. At no time shall more than three members of said commission be of the same political party.

Sec. 2. This act shall take effect from its passage.

Approved, June 17, 1901.

[House Bill No. 562.]

[137.]

AN ACT

Concerning Permanent Pavements in the City of New Haven.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section one of the act concerning permanent pavements in the city of New Haven, approved April 28, 1899, is hereby amended to read as follows: The board of finance of the city of New Haven shall annually assess upon the grand list a sum not exceeding one mill on the dollar for the paving of streets, and the receipts from said assessments, and from all other assessments resulting from the construction of street pavements herein provided for, shall only be expended in payment for the original construction of pavements herein enumerated.

Approved, April 17, 1901.

[Substitute for House Bill No. 431.]

[236.]

AN ACT

Amending the Charter of the City of New Haven Concerning the Abatement of Taxes.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. There shall be in the city of New Haven a committee which shall be known as the tax committee.

Sec. 2. Said committee shall consist of the following members: The mayor, *ex-officio*, the controller, *ex-officio*, the assistant corporation counsel, *ex-officio*, one member of the board of aldermen, to be elected by said board, one member of the board of common councilmen, to be elected by said board, and two other citizens, to be appointed by the mayor.

Sec. 3. Said tax committee is hereby authorized to direct as to the settlement, compromise, adjustment, correction, or abatement of any claim for taxes or assessments which now appears to be due on the books of the tax collector of New Haven to the city of New Haven, including interest and cost of liens.

Sec. 4. It shall be the duty of said tax collector to settle, compromise, adjust, correct, or abate such claims in accordance with such direction, and it shall be the duty of the controller to adjust his accounts in accordance with such direction.

Sec. 5. No deduction or abatement shall be made by said tax committee on the ground that the property on which such tax was laid was assessed at too high a valuation.

Sec. 6. No deduction or abatement made or directed to be made by said committee shall have any effect unless signed by at least five members of said committee.

Sec. 7. The city clerk shall be, *ex-officio*, the clerk of said committee. He shall keep, in a book for that purpose, a complete and systematic record of all deductions and abatements made by said committee and shall transmit promptly to said tax collector a copy of the same.

Sec. 8. Neither the clerk nor any member of said committee shall receive any pay for his services.

Sec. 9. The term of said committee shall be from July 1, 1901, to December 31, 1902.

Sec. 10. Any vacancy in said committee shall be filled in the same manner as that by which the previous incumbent was selected.

Sec. 11. This act shall take effect June 15, 1901.

Approved, May 8, 1901.

[House Bill No. 581.]

[387.]

AN ACT

Concerning the Board of Relief of the City of New Haven and Appeals from the action thereof.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. All persons who had appeals from the action of the board of relief of the city of New Haven pending in the superior court for New Haven county on the fifteenth day of April, 1901, under the special acts relating to the re-assessment of real estate in said city, are hereby given an extension of time until the twenty-first day of July, 1901, for taking appeals under the general statutes from the doings of the board of assessors of said city to said board of relief in respect to the valuations and assessments of any

of their property in said city, made as of the first day of October, 1900; and the time for all such persons to take appeals to the superior court from any action of said board of relief, upon appeal to it as aforesaid, is hereby extended to the nineteenth day of September, 1901.

Sec. 2. Said board of relief shall meet on the first Monday of July, 1901, having given at least ten days' notice of the time and place of such meeting by posting such notice on the public sign-post in said city and publishing it in some newspaper published therein, and may adjourn from time to time to a day not later than the first Monday of September, 1901, on or before which date said board shall complete the duties imposed upon it by this act.

Sec. 3. At such meeting any person who had an appeal pending in court as aforesaid, and who claims to be aggrieved by the doings of said board of assessors in respect to such valuations and assessments, may appeal therefrom to said board of relief, which shall determine all such appeals according to law, and shall have the same powers and duties in respect thereto, together with such additional powers as are hereinafter conferred, which said board of relief would have had if such appeals had been duly taken to said board at its annual meeting in January, 1901.

Sec. 4. No such appeal from the doings of said board of assessors shall be heard or entertained by said board of relief, unless preferred to it at its meeting on the first Monday of July, 1901, or at some adjourned meeting held within twenty days thereafter.

Sec. 5. Any such person claiming to be aggrieved by the action of said board of relief hereinbefore authorized may make an application in the nature of an appeal therefrom to the superior court of New Haven county, which shall be accompanied by a citation to said city to appear before the said court on the first Tuesday of October, 1901, on which day such application and citation shall be returnable. Such application and citation shall be served and returned in the same manner as is required in case of a summons in a civil action.

Sec. 6. The authority issuing said citation shall take from the applicant a bond of recognizance to said city, with surety, to prosecute the application to effect and to comply with and conform to the orders and decrees of the court in the premises.

Sec. 7. Such applications shall be preferred cases to be heard by the court at the first session, unless good cause appear to the contrary; and the pendency of such applications shall, subject to the order of the court, thereupon suspend action upon the tax against the applicants, but shall not suspend proceedings in collecting other taxes.

Sec. 8. Said court shall have power to grant such relief as shall to justice and equity appertain, upon such terms and in such manner and form as appears equitable, and, if the application appears to be without probable cause, may tax double or triple costs, as the case shall appear to demand, and upon all such applications costs may be taxed at the discretion of the court.

Sec. 9. The failure of any person, who had an appeal from said

board of relief pending in the superior court for New Haven county on the fifteenth day of April, 1901, as aforesaid, to give in a list duly made and sworn to by him as prescribed by law, shall not prevent such person from taking an appeal to said board of relief or to said court as hereinbefore provided; and said board of relief and said court shall have the same powers in reference thereto as said board or court would have had if such list duly made and sworn to had been given in to said board of assessors as prescribed by law, and the provisions of section 3856 of the general statutes shall not apply to any such appeal.

Sec. 10. This act shall take effect from its passage.

Approved, June 5, 1901.

[Substitute for House Bill No. 451.]

[461.]

AN ACT

Amending the Charter of the City of New Haven and Abolishing the Board of Councilmen of said City.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. The board of councilmen of the city of New Haven is hereby abolished on and after the first week day of June, 1902.

Sec. 2. All of the powers and duties heretofore vested or imposed by the charter of said city, or by any special or public act of the general assembly, in or upon the court of common council of the city of New Haven, are hereby vested and imposed in and upon the board of aldermen on and after the first week day of June, 1902.

Sec. 3. Section six of the charter of said city is hereby amended to read as follows: On the third Tuesday of April, 1902, the freemen of said city shall elect by ballot from among their number, as prescribed by law, six aldermen at large, who shall hold their respective offices for the term of one year from and after the first week day of June next succeeding their election. On the third Tuesday of April, 1903, and on the third Tuesday of April in every second year thereafter, the freemen of said city shall elect by ballot from among their number, as prescribed by law, a mayor, controller, treasurer, clerk, collector, city sheriff, and six aldermen at large, who shall hold their respective offices for the term of two years from and after the first week day of June next succeeding their election. No person shall vote for more than four aldermen at large at any election.

Sec. 4. Section seven of the charter of said city is hereby amended to read as follows: In each of the wards of said city

which bears an odd number, the freemen thereof shall, on the third Tuesday of April, 1902, and on the third Tuesday of April in each second year thereafter, elect by ballot, as prescribed by law, one alderman, who shall hold office for the term of two years from and after the first week day of June next succeeding his election. In each of the wards of said city which bears an even number, the freemen thereof shall, on the third Tuesday of April, 1903, and on the third Tuesday of April in each second year thereafter, elect by ballot, as prescribed by law, one alderman, who shall hold office for the term of two years from and after the first week day of June next succeeding his election.

SEC. 5. Section eight of the charter of said city is hereby repealed.

SEC. 6. Section ten of the charter of said city is hereby amended to read as follows: The mayor shall be chief executive officer of the city, and shall be at least thirty years of age. He shall have been a legal voter and resident of the city for the five years immediately preceding his election, and shall reside in the city during his term of office. Whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city, by illness, or by any other cause, from attending to the duties of his office, the president of the board of aldermen, and in his absence such president *pro tempore* as the board of aldermen may elect, shall act as mayor until the mayor or such president of the board of aldermen, as the case may be, is again able to assume the duties of his office or until the vacancy shall be filled by election, and said acting mayor shall have all the rights, powers, and duties of said mayor, except the powers of appointment and removal, until the vacancy is filled or the mayor is again able to act.

SEC. 7. Section forty-one of the charter of said city is hereby amended to read as follows: There shall be in said city a department of finance, which shall be under the control of a board consisting of the mayor, who shall be its presiding officer, the controller, two aldermen, who shall be elected by the board of aldermen in the month of June in each year, and three citizens, none of whom shall hold any other office in said city government, and to be appointed as hereafter provided; but said elections and appointments shall be so made that not more than four members of said board shall at any time belong to the same political party. The necessary expenses of said board shall be paid by the city, but no member of the board shall be paid for his services.

SEC. 8. Section eighty-seven of the charter of said city is hereby amended to read as follows: The three citizen commissioners of East Rock park aforesaid shall hold their respective positions, and their successors shall be appointed, pursuant to the provisions of the act incorporating East Rock park in the city of New Haven, passed at the January session, 1880, and amendments thereto. The citizens appointed as park commissioners by the mayor, under the act of 1897, shall continue to hold office during the terms for which they were appointed, unless sooner removed for cause in accordance

with the provisions of the charter of the city of New Haven; and in the month of December, 1899, and in each December thereafter, the mayor shall appoint one citizen as a park commissioner, to hold office for three years from the first day of January next following. In the month of May, 1902, and in every second May thereafter, the mayor shall appoint two aldermen to be park commissioners during their term of office. No park commissioner shall be removed except by a vote of the board, but the mayor may fill any vacancy that may occur, except among the commissioners of East Rock park, by appointment of the same character for the unexpired term.

Sec. 9. Section ninety-nine of the charter of said city is hereby amended to read as follows: There shall be in said city a department of the public library, which shall be under the management and control of a board of library directors. Said board of directors shall have charge of all the property of said city used for the purposes of said library, and shall direct the expenditures of all money placed at its disposal by the city, from whatever source derived. Said board shall consist of nine directors, who shall be residents of said city and serve without pay. The members of said board of directors holding office when this act takes effect shall continue to hold their respective offices until the term for which they were appointed shall expire, unless sooner removed for cause in accordance with the provisions of the charter of said city. In January, 1900, and in every third year thereafter, the mayor shall appoint one director, who shall hold office for three years from the date of his appointment; and in January, 1901, and every third year thereafter, and in January, 1902, and every third year thereafter, the mayor shall appoint three directors to hold office for three years from the date of their appointment. In January, 1902, and annually in said month thereafter, the mayor shall also appoint two directors of said library to hold office for the remainder of said year, who shall be members of the board of aldermen.

Sec. 10. The assistant city clerk of said city shall be clerk of the board of aldermen and make true and regular entries of all votes and proceedings of the said board of aldermen.

Sec. 11. Section one hundred and twenty-nine of the charter of said city is hereby amended to read as follows: No by-law or ordinance shall be put upon its passage in the board of aldermen until it shall have been printed for examination, and no by-law or ordinance shall be put upon its passage until it shall have been referred to and reported by a suitable committee after a public hearing. No other vote, resolution, or measure, except reports from the director of public works concerning assessments, shall be put upon its passage, except by unanimous consent, until it shall have been referred to and reported by a suitable committee after a public hearing, nor until, after the report of such committee, it has been twice read to said board. But the second reading of such vote, resolution, or measure shall not take place until at least one week has elapsed from the time of the first reading, unless the

mayor shall send to said board a special message reciting that the particular vote, resolution, or measure is of an emergency nature and that immediate action is necessary, in which event such second reading may take place upon the same day of the original reading, and the printing of the same be dispensed with. Every such vote, resolution, or measure shall, after the same has been reported by an appropriate committee, be printed for examination at the request of one-fifth of the members present, except in the instance of an emergency message from the mayor. No ordinance shall be of force or effect until it shall have been published at least three times in all of the daily papers published in said city, nor until one week after its enactment.

Sec. 12. This act shall be a public act, and all words, phrases, acts, or parts of acts, public or private, inconsistent herewith are hereby repealed so far as the effect upon this act is concerned; but no acts hitherto repealed shall be revived by such repeal. No rights, privileges, or immunities vested in said city or in any person against said city shall be deemed to be impaired by such repeal, and all actions brought against said city, or prosecutions for the breach of any ordinance or by-law, shall be proceeded with as though this act had not been passed. All offenses committed or penalties incurred shall be prosecuted as though this act had not been passed. Said repeal shall not affect any act done or right allowed unless by law otherwise provided. All lawful city ordinances and any regulations or by-laws of said city in force and not inconsistent herewith are hereby continued in effect until the same shall be duly amended by competent authority; *provided*, that all such ordinances, regulations, and by-laws shall be deemed to be and hereby are amended so as to confer upon the proper officers and boards the power and authority and duties that are hereby conferred or imposed upon them. And all powers and authority conferred by the ordinances now in force upon the court of common council are hereby conferred upon and vested in the board of aldermen.

Sec. 13. Sections three, four, five, eight, and nine of this act shall take effect from its passage. All the other sections of this act shall take effect on the first week day of June, 1902.

Approved, June 14, 1901.

[House Bill No. 589.]

[511.]

AN ACT

To Establish an Isolation Hospital in the City of New Haven.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. The act of the general assembly entitled "An Act amending the Charter of the City of New Haven," approved June

28, 1893, which authorized the city of New Haven to establish and maintain a hospital for contagious diseases, is hereby repealed.

Sec. 2. The board of health of said city of New Haven is hereby authorized and empowered to establish, provide, equip, and maintain for said city, a public hospital for the reception and treatment of patients suffering from contagious and infectious diseases, except small-pox and typhus fever, who shall be admitted thereto by said board. Said hospital shall be known as the isolation hospital of the city of New Haven.

Sec. 3. Said board of health is authorized for the purposes aforesaid to procure by purchase or lease, within the city of New Haven, any lands suitable therefor, and to erect and equip the necessary buildings thereon, at an expense not to exceed the sum of fifty thousand dollars.

Sec. 4. Said hospital shall be under the charge of the board of health of said city, and subject to the rules established by said board and the by-laws of said city. And said city shall annually appropriate such sums as may be necessary for the proper maintenance of said hospital.

Sec. 5. In order to provide funds for the purchase of lands for said hospital and for the erection and equipment of the buildings thereon, the controller of said city of New Haven is hereby required to prepare and issue the negotiable bonds of said city of New Haven, not exceeding in amount the sum of fifty thousand dollars, which bonds shall be designated the isolation hospital bonds of the city of New Haven. Said bonds shall be issued under the corporate name and seal of the city of New Haven and be signed by the mayor and treasurer, and countersigned by the controller of said city. They shall be in such denominations as the controller shall determine, and be payable not later than twenty years from the date thereof, and bear annual interest not to exceed four per centum, payable semi-annually, and be free of taxes. The controller shall issue said bonds, from time to time, as he may be notified by the board of health that they are required for the purposes of this act, and shall dispose of them to the highest bidder, but at not less than their par value, and shall use the avails thereof, not exceeding the sum of fifty thousand dollars, in the payment of any bills or other obligations contracted by the board of health in the purchase of a site for said hospital, and in the erection and equipment thereof. Any surplus, derived as premiums in the sale of said bonds or remaining after such purchase, erection, and equipment, shall be reserved and applied as a sinking fund for the ultimate payment of said bonds.

Sec. 6. Nothing in this act contained shall be construed to authorize the expenditure by said board of health, in the performance of its duties under this act, of a greater amount than fifty thousand dollars, nor to authorize said board to dispense with the requirements of the charter and by-laws of said city, with respect to making contracts for city work and supplies, except that the power to make and award such contracts as may be required under this act shall be vested exclusively in said board of health.

Sec. 7. The mayor and controller of the city of New Haven are hereby empowered and directed to sell and dispose of the tract of land in said city, heretofore purchased by said city as a site for a contagious disease hospital, bounded by Atwater, Bailey, and Dover streets, and Clinton avenue, to the highest bidder or at private sale, as they may deem best for the interest of the city, and to give a good and valid deed therefor, and the avails of such sale shall be added to the sinking fund provided for in section five of this act.

Sec. 8. All acts and parts of acts inconsistent herewith are hereby repealed, and all proceedings of the court of common council of the city of New Haven heretofore had or taken which are inconsistent with the provisions of this act are hereby repealed and set aside; *provided*, that this repeal shall not affect any private rights that may have been acquired, in good faith, under such proceedings, prior to the passage of this act; and *provided further*, that if the city of New Haven shall within one year from the passage of this act establish, equip, and provide for the maintenance of such hospital in accordance with the provisions of said act, approved June 28, 1893, then this act excepting section 7 thereof shall become null and of no effect; and the proceeds of the sale of the lot provided for in section 7 shall be added to the sinking fund of said city.

Sec. 9. This act shall take effect from its passage.

Approved, June 17, 1901.

[House Joint Resolution No. 496.]

[535.]

Authorizing the City of New Haven to Sell Certain Land.

Resolved by this Assembly:

Section 1. That the city of New Haven is hereby authorized, upon vote of the court of common council of said city, to sell to L. Wheeler Beecher a tract of about two acres of land on the southwest corner of the land formerly owned by the Hartford Retreat for the Insane, and condemned by said city as an addition to West Rock park, said two acres being bounded southerly and westerly by land of the Diamond Match Company, and easterly and westerly by the remainder of the tract so condemned.

Sec. 2. Said court of common council may appoint, by resolution, some proper person to execute a deed of said land so authorized to be sold to said Beecher, and to receive and pay to the treasurer of said city the sum paid by said Beecher for said land.

Approved, June 17, 1901.

PUBLIC ACT.

[Substitute for House Bill No. 558.]

[Chapter 61.]

AN ACT

Relating to Registration of Voters in New Haven and Danbury who are Inmates of the Almshouses in said Towns.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

All electors entitled to vote at any election in the cities or towns of New Haven and Danbury, who are inmates of the almshouses in either of said places, except the paid employés of said municipalities at said almshouses, shall be registered on the list of electors for and vote as residents of their last place of registration in said towns prior to becoming inmates of said almshouses.

Approved, May 14, 1901.

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